California Journal
The Monthly Analysis of State Government and Politics
JUNE 1984/$2.50

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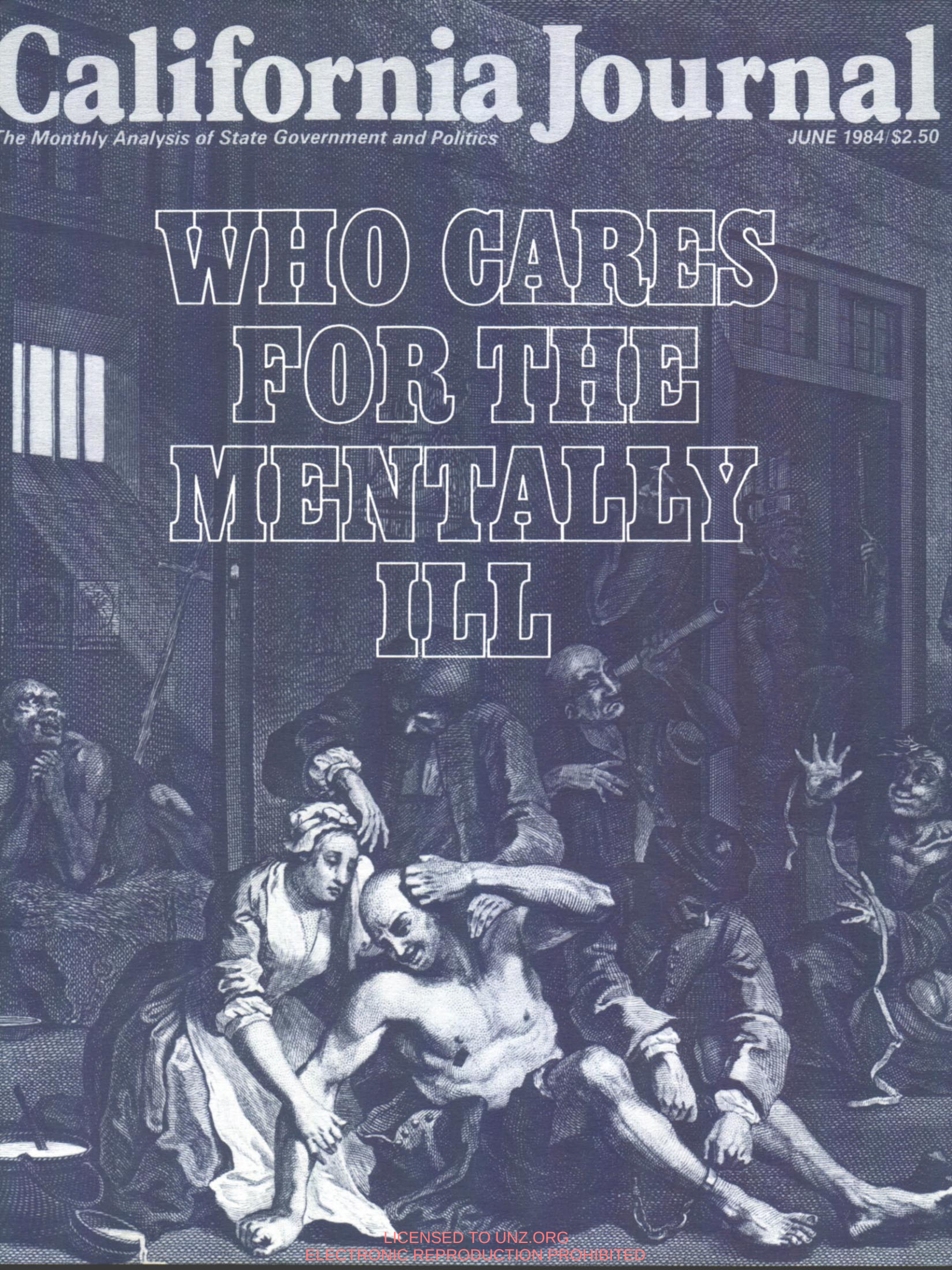

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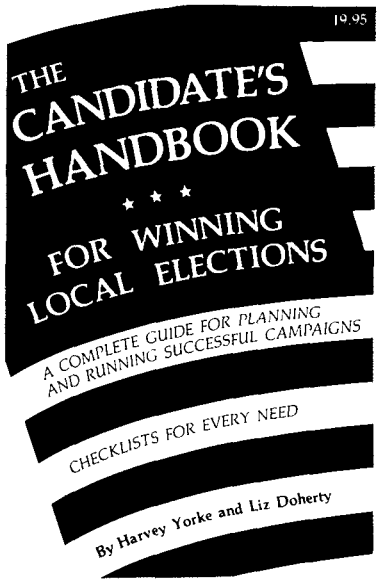

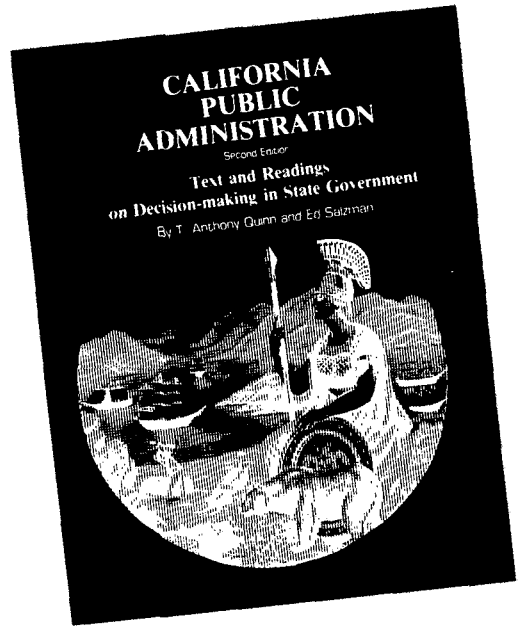

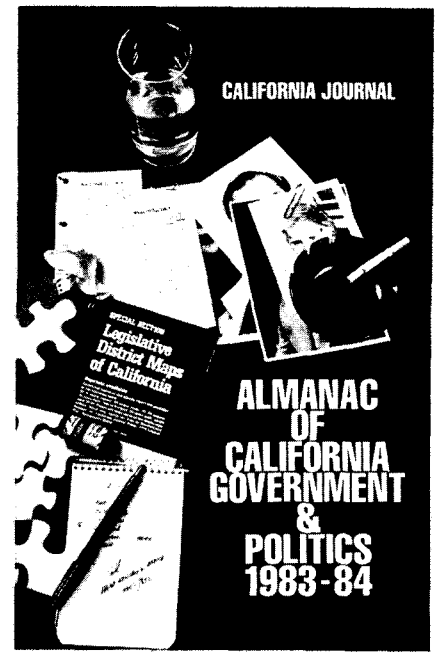

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California Journal

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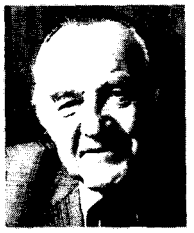

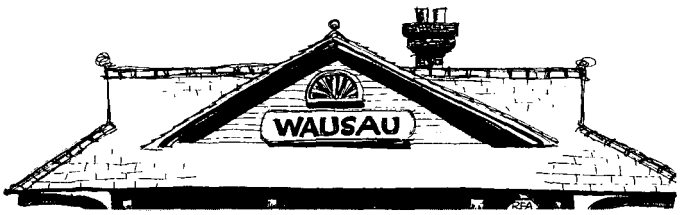

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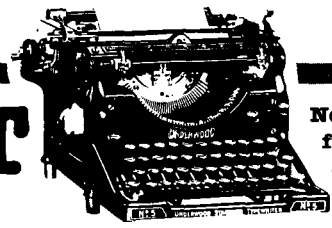
UP FRONT



Notes and Items from Contributors and the Journal Staff.

Bob Moretti was an energizer, a human dynamo who charged up those around him with his belief that responsible men and women could sit down together and devise solutions to the governmental problems that divided them. As Assembly speaker, he gave his immense energy to the task, and often enough he made things work. Now, as mass mailings and public posturings become ever more decisive, his beliefs — and now the man himself — are terribly missed.

Steve Switzer, an aide to GOP Assemblyman Charles Bader, and Dr. Jacqueline Vaughn, once a field rep to former Democratic Assemblyman Jim Cramer, plan to wed this August. What's so unusual about that? Well, Bader defeated Cramer back in 1982, and Vaughn says that since Switzer helped make her unemployed, the least he could do was marry her.

(Josie Razo, Ontario)

Congressman Ed Zschau's press secretary, Drew Dougherty, was at the state Capitol recently to get acquainted and talk a bit about a possible Zschau campaign for the U.S. Senate in 1986. It isn't as though there were hordes at the door, demanding that the Silicon Valley Republican make the run. In fact, says Dougherty with a smile, the most intense urgings are coming from Zschau's proud parents. Which reminds us of the late Clair Engle, a U.S. senator from California in the early 1960's. He said that a political draft consists of three postcards, and he always carries two in his pocket.

When asked at a state hearing about the small, one-stop health care units that are selling their services around California, spokesman Jack Light of the California Medical Association replied: "Oh, you mean the 'Doc in the Box' concept."

(M. Wilson, West Sacramento)

For a fee, Common Cause will let you piggyback on its new public-opinion poll to discover what Californians think about the subject of your choice. The first question will cost $150; the second $100, says Common Cause chief Walter Zelman. The poll, being conducted jointly by Common Cause and USC's Institute of Politics and Government, is aimed at assessing public attitudes toward government. Zelman says groups like Consumers Union and California Abortion Rights have already signed on. The price, he claims, is very good.

One of the more unique get-out-the-vote efforts is being conducted by the Committee To Abolish Prison Slavery. The national group, which says it began in California in 1973, hopes to register between 207,000 and 365,000 "incarcerated citizens". These are defined as misdemeanants, those awaiting trial and, in most states, convicted felons whose cases are on appeal.

Lou Cannon, author of the definitive book on Ronald Reagan, and Carol Benfell, former court reporter for the *Oakland Tribune*, are planning to wed. Cannon, who started covering government at the state Capitol, covers the White House and writes a column for *The Washington Post*. Benfell, who worked in San Francisco, will become the *Trib's* Washington correspondent. The two met for the first time in 1978 while doing stories about the state Supreme Court.

When Democrats go to the polls June 5th, none will have as difficult a task as those in the 28th Congressional District in Los Angeles. To elect 10 convention delegates, voters there will have to plow through 59 names, spread over three pages of punchcard ballot.

(Richard Bergholz, Los Angeles)

State law says that the executive branch of state government includes five super agencies, each with a secretary in charge. But the state telephone book says there are six. In a flow-chart diagram on its back cover, the book shows the usual five agency secretaries plus a secretary of Environmental Affairs, Gordon Duffy. Duffy says he really is a secretary, not just chairman of the Air Resources Board as most thought. The change was made by the administration (which also makes the phone book), he explains. Legislative Analyst Bill Hamm indicates that someone's got the wrong number.

Having read that some school children were having trouble getting sheet music for our state song, *I Love You, California*, Attorney Philip Tavlian of Fresno wants it known that he has a copy and will share. He picked it up at a book sale in Visalia not long ago. A little improvisation may be needed, though. His copy is missing the third page.

GOP Assemblyman Ernest Konnyu has drawn a Democratic opponent after all. Gloria Rose Ott, a 29-year-old consultant and educator from Saratoga, has qualified for the June 5th primary as a write-in candidate in the 22nd District. The Democrats also ran a write-in against Konnyu in 1982, but the Saratoga Republican had little problem winning reelection.

The Seelye spouses — Gloria and Howard — have started "gh communications," a public relations firm, primarily political, in Newport Beach. Long-time veterans of politics and the news biz, they recently retired as press reps for a pair of Orange County Republicans: he for Representative Robert Badham; she for Assemblywoman Marian Bergeson.

Scott Barnett, 21, became one of California's youngest-ever elected officials when he eked out a victory in an April 10th city council race in Del Mar. The youngest (according to the California League of Cities) was 19-year-old Rusty Hammer who won a seat on the Campbell City Council some 10 years ago. Anyone who has attained voting age (18) is qualified to serve as a local elected official in California. And to what does Barnett attribute his political success? It's obvious — he describes himself as one of the *Journal's* "faithful subscribers."

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Bill Packer returned to Los Angeles a while back for a city desk job at the Daily News, *having served for seven years as the paper's state Capitol correspondent. Shortly after, he wrote what he calls his "burning bridges" column, and after reading the excerpts below you'll understand his phrase. Packer says the column drew several protesting phone calls and a letter or two to the editor, but nothing to change his mind. Even his two boys, who grew up in Sacramento, were willing to leave. "I told them we were going closer to Disneyland," he explains. Packer's successor at the Capitol, Dirk Werkman, says he thinks Sacramento is fine. A likely story.*

If you don't like Sacramento, don't read any further. This is a seven-year reflection of living in the capital of our nation's most populated state. Sacramento can best be described as a small town with a lot of people in it. Perhaps, with some luck, it will enter the 19th century over the next 50 years or so.

What can you say about a town that boasts a "Pig Bowl" as the year's biggest event? For the uninformed among you, the Pig Bowl is a January football game between the Sacramento Police and Sheriff's departments. The event, played in a community college stadium, is complete with pre-game tailgate parties and live action coverage. . .

But they obviously have a superior area over Los Angeles. After all it's not every community that can boast dreary, mind-depressing ground fog and rain through much of the late fall and winter months. When it is not foggy and raining, it is 110 degrees.

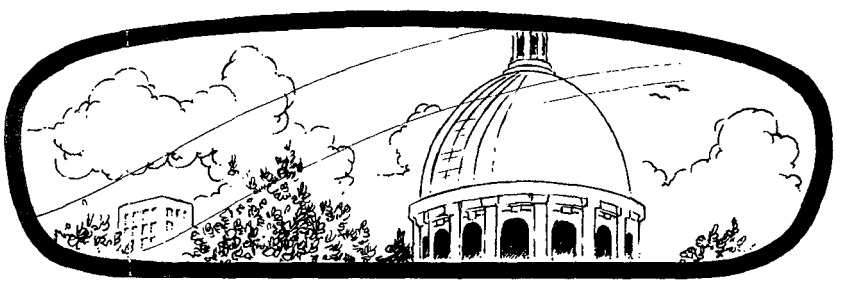
I do not know whether it's true or not, but humorist Mark Twain reportedly wrote, while working on the *Sacramento Union*, about a native from his area who returned for his sweater after he had died and gone to hell. . .

People who live in Sacramento say this is a great place to live because it is only 100 miles from Frisco (I couldn't resist calling it that) to the west and Lake Tahoe to the east. But when they are asked what is IN Sacramento, the response is usually a blank and silent stare.

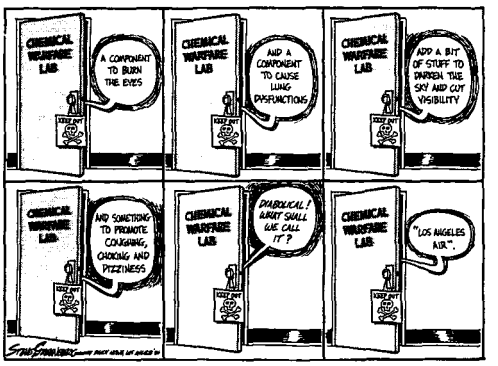
In fairness, there are some attractions here. For one, there are some nice, near-by farm fields that cause Sacramento to be called the hay fever capital of the nation. Moreover, there are real, live rivers in Sacramento in which to fish and raft — provided reports of cancer-causing chemicals entering the waterways do not bother you.

However, the locals are quick to point out that Sacramento is a great place to raise children. But that doesn't mean Sacramento is without crime. Some of the more bizarre crimes over the past few years have taken place in the Sacramento area. Last November, for instance, 22 people were arrested on sex and possible drug charges in a raid on a local Junior Chamber of Commerce meeting. There was also a fire district board candidate who ran much of his race from a jail cell. He won re-election.

But with all that said, I still will miss Sacramento. At least I do not feel as strongly as one San Fernando Valley area legislator who once said: "The best way to see Sacramento is in your rear view mirror."



If you believe that "no man's life, liberty and property are safe when the Legislature is in session," stay away from New York. In 1983 alone some 15,125 bills were introduced in New York's two houses. An additional 4970 have been introduced so far in 1984: over three times as many bills as were introduced in the California Legislature in the last full two-year session and about two-and-a-half times as many as California's all-time record of 7426 in 1957. That's the good news. The bad news is that slightly more laws are signed into law each year in California.


CHEMICAL WARFARE LAB
A COMPONENT TO BURN THE EYES
AND A COMPONENT TO CAUSE LUNG DYSFUNCTIONS
ADD A BIT OF STUFF TO DARKEN THE SKY AND CUT VISIBILITY
AND SOMETHING TO PROMOTE COUGHING, CHOKING AND PEEVISHNESS
DIABOLICAL! WHAT SHALL WE CALL IT?
"LOS ANGELES AIR".

Assembly Speaker Willie Brown, out to gather campaign contributions from California's agricultural interests, tickled the audience at a recent fund-raising dinner by saying that as a black man from the inner city, he feared having little to talk about when meeting groups of farmers. But, he said, he soon found that he and they had much in common. He said they talked about their Porsches, their most recent trips to Italy and so on.

"Vote for the man (or woman) who promises least; he'll (she'll) be the least disappointing."

— Bernard Baruch

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814.*

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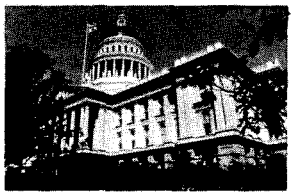

Capitol review

It's summertime, and the state Capitol has a new tourist attraction: the portrait of Jerry Brown. Although there's not much to be said about him or his administration, it's remarkable how his choice of picture says it all. The work is delightfully vivid and interesting. But within this magnificent public building — with its high-ceilinged corridors, grand staircases and clear dedication to preserving whatever majesty is left in the institution of government — another Jerry Brown celebration of himself seems glaringly out of place.

Concerning the portrait itself, the first thing to note is that the grayish reproduction on this page barely suggests — if that — the dramatic contrasts in artist Don Bachardy's original. One must see the blocs of red, black, white and light blue — big on a wall — to appreciate fully their riveting effect.

Also, the picture looks like Jerry Brown. The artist hasn't distorted things so much that you think more about the artistic vision than you do about the subject himself. Nevertheless, the artist does what artists are supposed to do: He interprets, making interesting comments about the former governor. There is, for instance, the unfinished left shoulder, suggesting that the man himself is somehow unfinished, that some element of character needs to be filled in.

More important, though, are the staring eyes that dominate the face and convey Brown's relentless desire to know. Neither the excuses of a bureaucrat nor the sensitivities of a friend will cause those eyes to avert themselves. They will look elsewhere only when convinced that they have penetrated to the core.

And then there is the ambivalent line of the mouth — down on the left and up a bit on the right. Is he smiling wryly at some absurdity he has seen? Or is he sullenly recalling some injustice, like not having been elected president of the United States?

Leap into the modern

Why say Brown's portrait seems out of place? After all, he is not alone; the portraits of other former governors also adorn the corridor walls. The answer is that Brown's portrait is much different, and not simply in its handling of color and form.

As mentioned, Brown's portrait is colored vividly, and a short hike through the Capitol, looking at portraits past, will show that nothing so vivid has been hung out before. However, it's also true that gubernatorial portraits have been becoming less somber and more vivid over the past 50 years, indicating that Brown's leap into modern times may have been shorter than it seems. If Republican Houston Flournoy had been elected governor in 1974 and served eight years, his portrait might have been more vivid, too.

Brown's portrait also differs from portraits past in that the governor's features are more distorted than

those of his predecessors. However, as mentioned, the painting still looks like Jerry Brown, perhaps not to the degree that other paintings look like their subjects but with not enough difference to be totally out of line.

The dramatic difference between Brown and his predecessors lies in proportion and scale. Jerry Brown's portrait is full of his face; it fills nearly half the frame. There is room for nothing else. His predecessors were far less pushy about their individuality. Although each man's face is at the center of each painting, and is the painting's highlight, the paintings encompass more. It's the difference between the close-up and the wide-angle view.

The other governors are often pictured as though at their work, sitting or standing at desks or tables, with books or documents nearby or in their hands. There may be a bookcase in the background. The portrait of Pat Brown, father of Jerry, has an American flag along one side. If the governor is pictured outdoors (as is Ronald Reagan) the Capitol dome is behind him.

In short, the other pictures celebrate a man, but only because he was elected governor by the people of the state. Jerry Brown chose a portrait that celebrates him as something special in himself. Undoubtedly he is, but aren't we all?

Robert Fairbanks

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Thousands released; few treatment facilities

Editor's Note: California, like many other states across the nation, no longer locks up most of its mentally ill in state hospitals. Today, only about 5000 patients are locked away. If the state were committing mentally ill persons as it did 25 years ago, another 57,000 would be institutionalized. Where are the mentally ill going and what is happening to them? In the following article, author Walter Truett Anderson reviews the situation. Anderson, who holds a doctorate in political science and social psychology, is a former contributing editor of Human Behavior *magazine. He describes himself as a liberal Democrat who has strongly departed from some traditional liberal thinking. His most recent book,* Rethinking Liberalism, *was published by Avon in 1983.*

By WALTER TRUETT ANDERSON

For about thirty years now, California's mental health policy has been in transition: on the move from a centralized system consisting of little more than a string of state hospitals to a modern and humane system based in local communities. The state's first legislative step along this road was the 1957 Short-Doyle Act, which set up a procedure for state funding of county programs. Next came the Lanterman-Petris-Short Act (LPS) of 1967, which made it far more difficult to commit mentally ill persons to state hospitals and keep them there.

But the transition to local care did not work out as intended. The number of patients in the state hospitals declined dramatically, but the community systems did not take up the slack. Most county governments were not ready to set up comprehensive mental-health treatment programs, and many really didn't want to. Staffs were unenthusiastic about taking on heavy new patient loads. County officials tended to view mental-health care as a low-priority issue, and many of them saw mental patients as more or less equivalent to hippies and radicals. In some places there was strong public opposition to opening local mental hospitals. When a new facility for adolescents was proposed for a San Francisco neighborhood, for example, a huge public outcry resulted, and a clean-cut young fireman named Dan White rose to political prominence as leader of the opposition. (That was White's first contribution to mental health policy; the Twinkies defense came later.)

Another problem was the lack of funds. Governor Ronald Reagan signed LPS but gave it far less money than the authors of the bill thought the new program would need. His successor, Jerry Brown, didn't do much better. Brown announced early in 1978 that he proposed to inaugurate a "year of mental health" and do wonderful things for the deteriorating system. But 1978 turned out to be the year of Prop 13, and subsequent cost-cutting sent the system into a tailspin from which it has yet to recover.

So the state has successfully de-emphasized its old system — since 1959, according to state mental health director Michael O'Connor, the number of mental patients in state hospitals has declined from 37,500 to 5000 — without ever quite managing to figure out what should come next. We are still in the interim, and the interim is not a comfortable place for the thousands of people whose lives are affected by state policy — patients and their families, mental health professionals, administrators and volunteers.

You see some of the people of the interim in the skid rows of cities, where former mental patients are numerous among the homeless and semi-homeless who wander the streets, dine in soup kitchens, sleep when they can afford it in fleabag hotels. The street people are the most visible

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part of the problem, the part most likely to be cited in newspaper articles about the overloaded system, but they are far from the whole of it. The truth of the matter is that a large segment of the population is in daily contact with the realities of emotional illness. Every day thousands of people not too different from the rest of us struggle with problems such as depression, manic episodes, suicidal or violent impulses, painful and frightening disorientation. Every day more children are subjected to violence and sexual abuse, more people have emotional breakdowns, more people move into the crises of old age. Every day police answer complaints about people who are behaving in some fashion believed to be dangerous to themselves or to others. And the system continually takes in new patients, passing them along from emergency ward to hospital to long-term clinic or halfway house while discharging other patients — frequently too soon, their symptoms temporarily hidden by tranquilizers or other such medication.

There are many shades of opinion about this situation, but I have yet to encounter anyone who believes the current system is adequate. Most people who work in it are angry and frustrated. Dr. David Tomasini, director of the McAuley Neuropsychiatric Institute in San Francisco, describes the system as one that teeters constantly on the verge of collapse. "It's like a vicious circle," he says. "As they tighten it down to save a few bucks, the patient population seems to expand. At every level the programs are being asked to crank the patients out faster because there are so many patients to take care of. We're getting farther and farther behind. We have patients on the ward who could go to halfway houses, but they can't because the halfway houses are clogged. At the front end, the crisis clinics have a limited number of holding beds, and when they fill up, they close. They go on diversion, which means they notify police that when they find somebody who seems to need mental health services, either don't pick them up at all or take them to jail."

Although the situation has a stagnant and hopeless feel about it, there is motion: The governor's office has proposed to increase funding both to the counties and to state hospitals (which are in a serious state of disrepair), and a legislative committee is in the process of taking a long look at the whole system (see following story).

The Assembly Select Committee on Mental Health aspires to create some general statewide policy and thus end California's thirty-year sojourn in the policy wilderness. And, not surprisingly, it expects to establish the legislative branch as the policymaker. The committee chairman, Fresno Democrat Bruce Bronzan, says: "We've had some important bills, but in terms of any kind of comprehensive view, the Legislature's been absent. We really don't know where we stand right now with this system. We have reason to believe that there are serious, serious problems with it, but they haven't been clearly identified to the Legislature and to the public. What the select committee should do is start in a basic fashion and ask: What do we know that we didn't know ten and twenty years ago? What are we really doing out there right now? If we do that without bias, something will emerge. Hopefully, it will start becoming clear what we ought to be doing now and at what level and with what emphasis."

Bronzan does not pretend to be a great expert in the mental health field, but he does bring to the task a valuable piece of experience: He was a member of the Fresno County Board of Supervisors in the late 1970s and saw what happened during the lean years.

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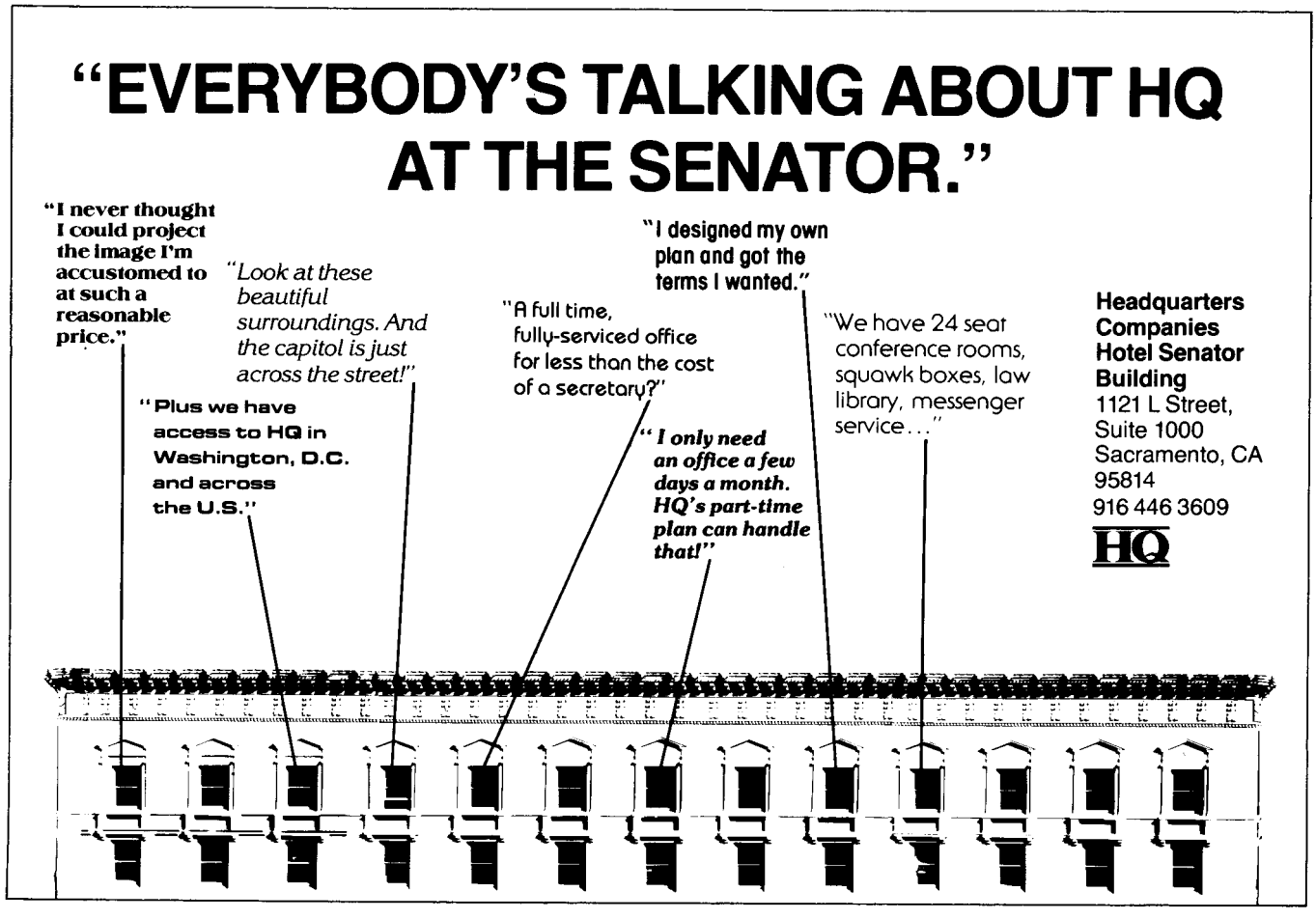
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"One of the biggest untold stories," says Bronzan, "is how much we have financially strangled the mental-health system. In 1978 dollars, it would take a $150 million increase this year just to get to the level we were up to six years ago. The little organizations just dried up — halfway houses and clinics and aftercare programs and vocational rehab programs. We had no choice. The money went to keeping the jail open and keeping the hospital. Even counties that wanted to do a good job had a hard time doing it. At the same time, demand increased."

This is the situation — a system on the decline; people needing it on the increase — that state policymakers are now trying to grapple with. The most obvious problems — the need to find large sums of money, the question of how much policy guidance should come from the state along with the money — are only a small portion of the difficulties. The field of mental health has changed dramatically since the days when patients were warehoused in state hospitals, and the Legislature, if it proposes now to reassert its leadership in this area, is going to find itself in what is in many ways a new and different world.

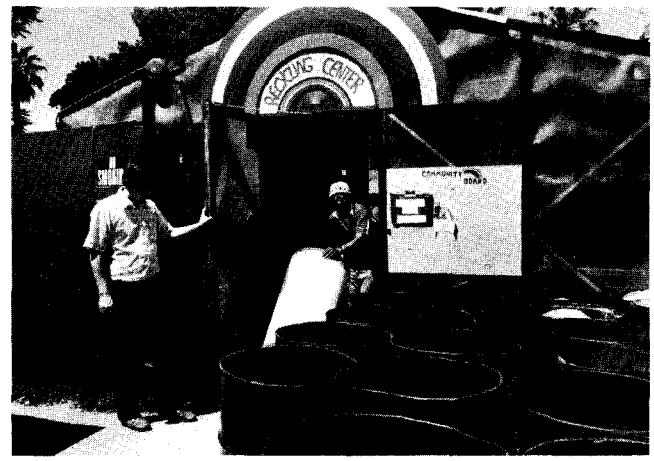
Drugs and the mentally ill

For one thing, there is a lot happening in the field of psychopharmacology. The advent of tranquilizers in the 1950s was a major reason for the move away from the state hospitals since it appeared that, with the use of new drugs, many people would be able to function outside of institutions. Today the psychoactive chemicals appear to have become both a part of the solution and a part of the problem. Psychiatrists do not know precisely how the drugs work when they do work. Nor do they know when drugs will succeed and when they will fail. Patients often improve, but sometimes they don't improve — and sometimes they get worse. One of the most common undesirable side-effects is tardive dyskenisia which produces uncontrollable muscular movements. All too often, chemicals serve either as a tool of control (enabling hospital personnel to deal with troublesome patients) or as a bureaucratic lubricant (making it possible to move patients briskly through the system without actually doing anything for them).

But despite the Russian-roulette quality of psychopharmacology, most professionals and many patients favor some use of chemicals in therapy. They often enable a patient to gain control over his impulses; they round off the worst extremes of various kinds of emotional illness; they make it possible for many people with serious problems to function. I talked in Sacramento with a man named Lou Williamson who has been hospitalized many times with manic-depression. He is now taking lithium and occasionally prolixin, and swears by his medication. "I don't want to push my pills off on anybody else," he says, "but meds have been a lifesaver to me." Williamson is not only staying out of the hospital but helping to run a vocational rehabilitation service at the Community Interaction Program in Sacramento. He is one of the small but growing number of former patients who have become mental-health workers.

The use of drugs — psychoactive medication, as the professionals prefer to call them — is the hottest issue today in the mental-health world.

Some psychiatrists are certain that the time is just around the corner when drugs will make all other forms of therapy completely obsolete — if indeed they are not obsolete already. Others believe that the chemicals actually do more harm than good. The conflict rages through the profession and is considerably more than an in-house debate since it is central to the whole question of what kind of treatment best serves the patient and the public. Last February there was a flap in Contra Costa County when 77 professionals — doctors, social workers and others — signed a petition charging that the acute wards of the general hospital were loading up patients with drugs and discharging them prematurely. The people who are concerned about such practice — and it is common throughout the state, not just in Contra Costa County — are not opposed to the use of drugs, but only the tendency to use them as a chemical bandaid. However, they tend to become extremely skeptical about proposals to spend more public money on chemical research if it is likely to divert funds



Lou Williamson (left) is one of a growing number of former mental-health patients who have become mental-health workers. Williamson supervises a recycling center run by the Community Interaction Program of Sacramento.

from other kinds of therapy and support such as "psychosocial" programs — meaning everything from counseling to vocational training — that help a person recover from an emotional crisis and take up a productive life.

Socialization

Another thing that has happened in the interim years is that there has been much invention and creativity in the development of new kinds of psychosocial programs. In some ways, the system has evolved along lines that legislative authors of the 1950s and 1960s anticipated, and has produced a variety of community services such as small treatment centers, outpatient clinics and vocational programs. In Sacramento, for example, the Community Interaction Program runs a recycling center and also has a licensed paint crew and a janitorial service that provide transitional employment for former patients. In San Francisco the Progress Foundation, which started out with a halfway house in the 1960s, now runs a variety of programs including a geriatric center, a bilingual residential center in the largely Hispanic Mission District and an intensive-care center. All are small-scale operations in residential neighborhoods — the intensive-care house takes a maximum of eight residents at a time — and they offer an atmosphere and a type of care that is very different from any hospital. In Los Angeles there are such places as the Downtown Women's Center which provides lunches and day activities for a shifting female clientele, most of whom are former mental patients; and Para Los Ninos whose clients are children, many of them victims of sexual abuse and violence.

The presence of such programs is an encouraging sign of progress toward community centers that are responsive to local needs and capable of operating with relatively low overhead. Their activities go far beyond the sort of things that most people would think of as psychotherapy. Often there are educational programs, such as classes in nutrition and grooming and the use of medication. Other programs are oriented toward helping people find jobs or

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places to live. They provide an impressive range of services. The problem is that there really aren't very many of them.

The third thing that has happened is that mental health has become far more politicized. Professionals with gripes are much more likely to go public, as happened in Contra Costa County. Activist groups have proliferated. For instance, the membership of the California Coalition for Mental Health, an umbrella organization, includes such divergent interests as the California Alliance for the Mentally Ill, California Psychiatric Association, Mental Health Association and California Conference of Local Mental Health Directors. The CAMI is a relatively new entry into the field of mental-health policy, representing families of patients. Another new contingent is patients themselves. Preferring to be called "consumers," they are increasingly well-organized into self-help groups and political committees. A statewide consumers' organization is now being formed and will undoubtedly make its voice heard in the current legislative process.

Not long ago one consumer organization, STIGMA (Striving To Instill Greater Mutual Awarness) put together a conference, in the Contra Costa town of Martinez, that showed how far the patients'-right movement had come and what some of its concerns were. Organized by Jay Mahler, a former patient, the conference consisted mainly of panels in which consumers debated policy issues with prominent psychiatrists, administrators and journalists. Among the many heated concerns that surfaced during the day where the frustration and powerlessness that people felt once they became mental patients — as a psychiatrist put it, his is the only business in which the customer is always wrong — and the tendency of the media to stereotype all consumers as potentially dangerous. The newspapers, it was pointed out, frequently run stories identifying a mental patient who is accused of a violent crime, but are less likely to run a headline saying, "Mental Patient Star Attraction at Debutante Ball" or "Mental Patient Scores Winning Touchdown in Close Game."

Powerful stereotypes

Although the stereotype of the dangerous ex-mental patient may not be accurate, it is a powerful factor. The passage of laws to protect the civil rights of mental patients and the decentralization trend happened over the same period of time and came out of similar impulses — essentially a reaction to the "snake pit" image of the old system. Many people think both movements have gone too far. You hear such charges often, especially when there has been a violent act perpetrated by somebody who was once a mental patient. After the incident last February when a former mental patient fired into a group of Los Angeles school children, killing one child and wounding 12 others, a psychiatrist told the newspapers it was proof that "the pendelum has swung a bit too far" in the direction of patients' rights. At about the same time the governor's own health and welfare secretary, David Swoap, told a legislative subcommittee that the state had gone "too far, too fast" in discharging people from mental hospitals in the 1960s and 1970s.

It is unlikely, though, that there will be any major changes in discharge or commitment procedures anytime soon. Last year the Legislature passed a bill by Democratic Senator Barry Keene allowing a six-month hospitalization for mentally ill persons who threaten others with physical harm. The measure was a response to the deaths of three persons — including Humboldt County Sheriff Gene Cox — at the hands of a former mental patient who had been making threats.

Although a study of the Lanterman-Petris-Short Act and other statutes affecting committment procedures is planned by the Bronzan committee and the administration, and changes may come in the future, both sides seem more interested now in assessing treatment facilities.

Moreoever, if committment procedures were to be changed so that significant numbers of mentally ill persons were to be locked away, there is the problem of cost. Estimates are that if the state simply went back to the number of beds that were available 25 years ago — 37,500 — it would need another $2 billion a year.

And finally there is the issue of choosing those potentially violent persons who would be the first to be locked away. Before the LPS reform of 1967, virtually any disturbed-seeming person could be committed to a state hospital for an indefinite period. Senator Nicholas Petris, an author of the reform, says now that he's sorry to see to many people on the streets who need treatment. But he's not sure that there's much to be done.

Putting people away

Says Petris: "Some people say it ought to be possible to put away somebody who might be dangerous. The implication of that — if you follow it to its logical conclusion — is that you're free to lock up anybody who might be dangerous. That would make the world 100 percent safe. But pretty soon there would be more of us inside looking out than outside looking in."

None of this means that state hospitals are on their way out. The state hospitals will continue to be a part of the system, although in their present condition they will need some fairly costly improvements even for that. But it is becoming increasingly clear that a completely centralized system does not serve the purposes of modern psychotherapy. The farther a hospital is from a patient's own community, the harder it is for professionals to do the kind of work that seems to pay off best in most cases: involving the patient's family, making the therapy a gradual transition into normal life with a job and friends and a place to live. Such things cannot be done from a distance.

Any new system that comes into being will have to be multidimensional in several directions: will have to have small operations and large ones; will have to address the concerns of the patients' families and consumer groups; will have to draw on private and public funding; will have to encourage progress in both the psychosocial and biochemical approaches; will have to have meaningful state policy and real community autonomy.

A tall order. Yet many people believe the state has enough professional resources to deal with the problem and enough governmental savvy to tap the resources. Dr. Len Duhl, a counsel to the Bronzan committee and a veteran of public-health politics, thinks the Legislature has a golden opportunity to design what he calls a "loosely coupled system" that can make room for creativity and individual initiative and diversity, allow inputs from several levels of government and from the private sector as well, and give the competing factions of the professional world an opportunity to prove what they can do. "The map of the problem," says Duhl, "is big enough for everybody." The task for government, he says, is to create "high-performance specifications" — not rigid bureaucratic prescriptions for every community, but basic standards of what needs to be done — and encourage people to work any way they want as long as they get the job done. He hopes for an enlightened piece of modern policymaking that would combine the best of both free market conservatism and compassionate liberalism — provide competition and freedom, yet be sure that people who need and want help can get it.

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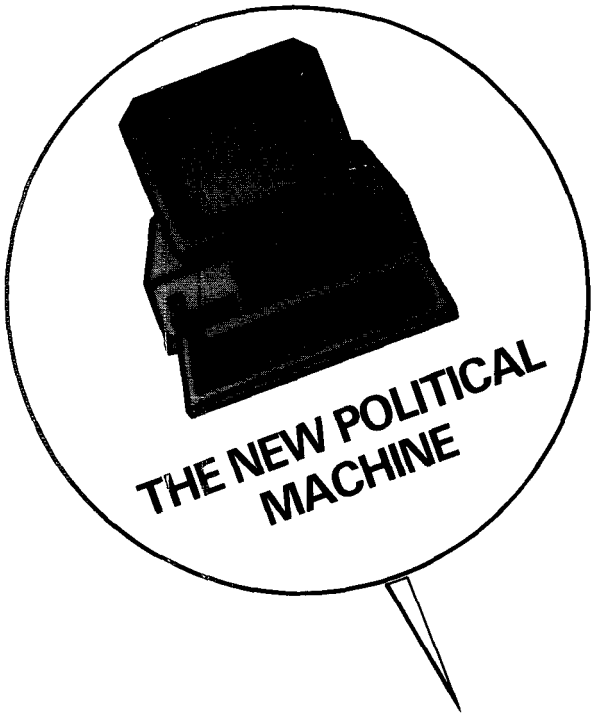

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State leaders face the treatment problem

By ASSEMBLYMAN BRUCE BRONZAN

Walt Anderson has presented a thorough overview of the current condition of California's mental-health system. As he points out, the state's rhetorical commitment to deinstitutionalization has never been translated into the resources needed to make it work. The evidence of our neglect is seen in nearly every community in this, the richest state in the nation. Something must be done. Fortunately, both Governor George Deukmejian and Assembly Speaker Willie Brown have taken steps to deal with this difficult issue.

Brown last October established the new Assembly Select Committee on Mental Health. He charged us with undertaking a fundamental review of the entire mental-health system and with developing effective long-term solutions to its problems.

In his State of the State Address last January the Governor pledged his personal commitment to the needs of the mentally ill as proposed in a combination of budgetary and legislative initiatives.

The select committee's work is already well underway. We are examining generic disorder categories, public and private treatment options, financial coverage offered by public and private payers, the special needs of children and the elderly and other issues. During the course of this systematic review we are hearing from a wide range of people — from families and consumers to program directors and brain researchers. Their testimony is portraying a system in chaos — at times brilliant and successful, but all too often and brutal in its response to human suffering. Over the course of the next few months we hope to complete a comprehensive survey of the various components of the mental-health system and then move toward developing some recommended changes.

The bill

Soon after the select committee began its work, the governor presented a series of mental-health proposals. His proposed state budget includes an additional $35 million (plus a $6.8 million cost-of-living increase) for county Short-Doyle programs and the first installment of a five-year, $100 million commitment for physical improvements in state mental hospitals. The governor's policy portion of the initiative is being carried by one of the select committee members, Republican Assemblywoman Sunny Mojonnier of San Diego in AB2381.

The first draft of AB2381 repealed the Short-Doyle Act and replaced it with a simple "block grant" allotment of funds to counties each year. In essence, the state's policy role in mental health would have been substantially reduced, leaving most decisions to each of the 58 counties.

That proposal met with widespread opposition throughout the state's mental-health community. In spite of obvious problems with the current system, many felt that portions of the bill moved in the wrong direction. They argued that mental-health problems are not bound by county lines and that the entire issue requires an active state policy role. I, too, was concerned that the bill would create a number of unforeseen consequences which could be damaging to the mental-health program in many counties. It was clear that the original form of the bill was unacceptable to the mental-health community and to many in the Legislature.

In the days immediately preceding the initial hearing of AB2381, Assemblywoman Mojonnier, David Swoap, secretary of the Health and Welfare Agency, Dr. Michael O'Connor, director of the Department of Mental Health, myself, and our staffs met to see if there was some room for agreement on an appropriate approach for their bill. The representatives of the administration expressed their broad goals for mental health apart from the specific provisions in the bill. These goals included streamlining the often excessive bureaucratic and procedural requirements of the current Short-Doyle structure, encouraging more experimentation and innovation in mental-health programs, and striving to make some improvements in mental health right away. In light of these stated goals, it became clear that there was in fact some room for agreement short of repealing the entire Short-Doyle Act.

By the close of these discussions we had succeeded in developing a compromise on which we could all agree. The new form of AB2381 does not repeal the Short-Doyle Act. Instead, it eliminates the most burdensome and outdated bureaucratic requirements of the current system. In addition, the bill provides financial incentives for counties to develop new and more innovative programs.

The governor's mental-health initiative in its amended form is not a dramatic solution to the mental-health problems of the state. But it is a step in the right direction. By streamlining the relationship between the counties and the state and creating the correct incentives for improved care the bill is one that we can all support. Further, it is consistent with what the select committee has found in its work to date.

Clearly, we have a long way to go in rethinking mental-health policy and developing a substantially improved system for the future. At some point, the select committee will be proposing fundamental changes for the mental-health system.

So perhaps the real significance of the work over the past few weeks is the way it demonstrated the necessity for open dialogue and cooperation. We must continue to work in a bipartisan fashion if we are to succeed in developing a system of care for our mentally ill citizens of which we, a civilized people, can be proud.

Assemblyman Bronzan, a Democrat from Fresno, is chairman of the Assembly Select Committee on Mental Health.

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Administration seeks consensus for solving mental health problems

By D. MICHAEL O'CONNOR

For the first time in California's history, the major statewide mental-health organizations are coalescing and working hand-in-hand with the Legislature and the administration to improve the mental-health system.

Historically, these organizations — representing mental-health providers (hospitals, care homes, doctors, for instance), clients (patients and former patients), and families of clients — have never spoken with one voice in Sacramento. Proposed legislation would get picked apart by other members of the mental-health constituency. When there was no consensus for improvement, little improvement took place.

This year, however, Governor George Deukmejian proposed a "mental-health initiative" which included increased funding for state hospital and community programs, and revision of the way state mental-health funds are distributed to counties (AB2381-Mojonnier). In effect, he put the boat in the water, and the constituency groups, the Legislature and the Department of Mental Health are helping sail it.

Realizing that changes in the system were inevitable, the major mental-health constituencies in California developed their own agendas, including preserving the categorical funding for specific community residential-treatment programs, retaining the 10 percent local share of mental-health dollars that counties must currently fund, and maintaining state standards and monitoring of local programs.

Some of the administration's mental-health goals, outlined in the original version of AB2381, were to streamline controls, reduce state headquarters administration, increase local flexibility and promote the opportunity for innovative local programs.

These and other differences were successfully negotiated by the administration, the Legislature and the constituency groups.

But the coalition groups have not become complacent after their initial successful participation. As so many other social-action groups had learned, media and legislative relations programs are crucial to any movement's public education and success. Regional media conferences have been held in Contra Costa County by STIGMA (Striving to Instill Greater Mutual Awareness) and by the Community Support System Project in Riverside. Organizations like the California Alliance for the Mentally Ill (CAMI) and the Mental Health Association in Los Angeles County keep steady watches on the progress of legislation and publish the results in their widely circulated newsletters.

Nor has the Department of Mental Health operated in a vacuum. When I became director of the department in October 1983, I stated my primary goal: to develop and foster the interest of the administration, the Legislature and the major constituency groups.

The plan seems to be working. Beverly Abbott, president of the California Conference of Local Mental Health Directors, summed up her feelings: "There was a lot of negative energy and finger pointing. Now it's much more positive. The department pulled everyone together to achieve what we've talked about for several years and haven't achieved — maximum county flexibility while maintaining the role of the state to set standards."

I promise that the same communications process will be used to continually refine and examine the mental-health system. The pendulum of care and treatment issues swings depending on the latest news story. The issues of social vs. medical model treatments, hospital vs. community care and other such dichotomies are fragile and complex and underline the crucial need for communication.

The following organizations are striving to realize the dream of the best mental health system possible:

The California Coalition for Mental health is an umbrella organization comprised of the major mental-health organizations in the state. The coalition consists of many professional organizations. Leading groups include:

- California Conference of Local Mental Health Directors (CCLMHD) — consists of all local mental health directors, advises the department in the establishment of standards, rules and regulations;
- Citizens Advisory Council (CAC) — advises the Legislature and the department in carrying out provisions of the Short-Doyle Act, consists of representatives of a wide spectrum of mental-health interests (consumers, professionals, ethnic and minority groups);
- Organization of Mental Health Advisory Boards (OMHAB) consists of the chairpersons of the local mental-health advisory boards, works to improve coordination between the local boards, and advises the CAC and the Legislature;
- Mental Health Association in California — a voluntary citizens organization dedicated to improving attitudes toward mental illness, works to improve services for the mentally ill and their families and for the prevention of mental illness and the promotion of mental health;
- California Alliance for the Mentally Ill (CAMI) — composed of self-help groups for the family and friends of people who are mentally ill. Provides emotional support, education, and promotes the improvement of treatment services for the mentally disabled;
- The California Network of Mental Health Clients is not a member of the umbrella group coalition but, nevertheless, is a growing constituency organization. A statewide network of mental health clients which is geographically and ideologically diverse, it strives to give clients a voice in the mental-health arena.

While coalitions may be only as good as the glue that binds them together, there is a hope among all involved that this cooperation will last.

D. Michael O'Connor, M.D., is director of the state Department of Mental Health.

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MAXINE WATERS:

success is supposed to happen

By FELICIA C. BRAGG

Maxine Waters' first foray into electoral politics set the tone for the combative, forward-moving style that has become her trademark in the California Legislature.

As she recounts the story, Waters was quietly winding up another week as chief deputy to Los Angeles City Councilman Dave Cunningham when the all-too-common after-hours call came through. She says she never expected that the message would ignite a storm of conflict throughout the black community of south-central Los Angeles. The caller wanted Maxine to know that only minutes before, in the final hour of filing for the 1976 spring primary, incumbent Democrat Leon Ralph of the 48th Assembly District had announced that he was giving up his seat to pursue the ministry (he eventually also became a lobbyist).

Because Ralph was considered unbeatable, no one had filed to oppose him. Not that the district was left in the cold, however, for Ralph thoughtfully provided a succesesor by taking his assistant, Johnny Collins, to the county clerk's office to file a declaration of intent to run — only moments before the doors closed — the fee paid by the "Leon Ralph for Assembly Committee."

Later, Collins defended an action that appeared to be political protectionism at its best. "Leon Ralph did not make a firm decision until he walked in (the clerk's) door," Collins explained. "He was struggling with himself and time ran out on that day and, as a result, I did file."

But time had not run out. According to state law, when incumbent Ralph failed to file for reelection, the filing deadline automatically remained open for another five days. That extension provided all the opening Waters needed. The Collins filing provided provocation.

"Until that moment, I had no intention to run for political office, hadn't even thought about it," she says. But, as she explains, she felt that Ralph had gone a little too far by trying to give the district to someone without full voter participation.

Felicia C. Bragg is a public affairs consultant from Los Angeles.

Thus Waters entered the race, her only support from Cunningham and Bob Farrell, another L.A. councilman — plus a $20,000 loan from Cunningham. On the surface, it seemed a hopeless task. With no organization of her own, she went up against what was then acknowledged as a potent black political machine — headed by (then) Lieutenant Governor Mervyn Dymally.

Bradley stands aside

The region's other major black politician — Los Angeles Mayor Tom Bradley — declined to take sides, possibly because his own machine had lost to Dymally forces in a recent city council race. (Bradley's wife, Ethel, later signed a letter on Waters' behalf, however.) Other black community leaders — including the influential ministers— either fell in line behind Collins or tried to be as inconspicuous as possible.

White politicians, sensing a no-win situation, sought refuge in a hands-off policy, although then-Assembly Speaker Leo McCarthy said of Waters at the time: "She's a nice lady, but she ain't gonna win."

Faced with what appeared to be insurmountable opposition, Waters did what she has done successfully ever since: She went on the offensive. She publicly chastised local elected officials for associating with a "scheme" to force a candidate on voters. Lacking the support of many community leaders, she reached around them to rally the unorganized poor, welfare mothers and senior citizens. Campaigning in the largely neglected, sometimes dangerous housing projects (where she had onced worked in Head Start programs), Waters harangued youthful black gang members into registering to vote so they could vote for her. And in a move unprecedented for a black politician from the 48th District, she went across the tracks to win the support of white Democrats who lived in the area known as South Gate.

The result was an upset that stunned even her supporters — a primary victory complete with a 3000-vote margin.

Today, Maxine Waters is majority whip of the state Assembly, the first black and first woman to hold that position. She chairs the Elections and Reapportionment Committee and a Ways and Means subcommittee, and serves on the influential Rules and Judiciary committees. She is a member of the Democratic National Committee and co-chair of

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the board of the Center for Democratic Policy, a 15-member national think tank. An early and vocal supporter of Jesse Jackson's presidential bid, she serves as chair of Jackson's California campaign (see box).

Outside of partisan politics, she sits on the boards of *Essence* magazine, Ms. Foundation, the National Womens' Political Caucaus and TransAfrica — a Washington-based lobby whose agenda includes obtaining U.S. economic sanctions against South Africa. She is also founder and president of Black Women's Forum, an organization of black women activists whose membership has grown so large in recent years that application for admission has been suspended.

In the scant eight years since her first election, Waters has also earned a reputation for political potency. According to *Ebony* magazine, she is the most powerful black woman in the Democratic Party, and *Mother Jones* magazine recently named her one of the country's ten best state and local officials. Assembly Speaker Willie Brown also speaks highly of Waters. "If you had to talk about who is the number one woman in California politically, Maxine Waters is it — black or white," he said in a recent interview.

Heady stuff for a poor, little black girl from St. Louis.

No hope for success

At a Watts junior high school, Waters addresses a group of students gathered in the auditorium for a Girls' Week program. She seeks to make a point by telling the story of Dr. Rainwater. Dr. Rainwater, she explains, was a psychologist who spent considerable time studying the St. Louis ghetto where Waters was born and raised. Looking at generations of poor, black children, reared on welfare and usually without fathers, he concluded that "those" children could never hope to be successful.

"*We* were those children Dr. Rainwater was talking about," Waters tells her young audience. "But some of us said, 'Dr. Rainwater, you're crazy!' "

Waters' early life was anything but easy. One of thirteen children, she was raised on welfare by her mother and grandmother (her father had abandoned them when Waters was a toddler). She recalls helping support the family at an early age by bussing tables at Thompson's, a St. Louis restaurant that at the time would not serve black patrons. "I was thirteen years old and so thin, even the whites would feel sorry for me," she says.

She found support among her teachers ("strong women who spent a lot of time with me and had a strong influence") and was inspired by older black women, with whom she spent much time as a child. "I see a lot of strength in black women who have stories to tell. They are survivors."

She excelled at her studies at all-black schools in the St. Louis ghetto and got her first taste of public life with lead roles in plays, musicals and with election to student body leadership. A swimming and track star, she credits school athletics for her competitive approach to politics.

Empowerment

After marriage, two children, relocation to California and a series of factory and clerical jobs, her evolution as an activist — her metamorphosis — began when a friend recommended that she seek a teaching-assistant position with Head Start, one of the poverty programs spawned during the 1960s. She took that job but soon discovered that her talents lay in other directions.

"I discovered that I was a lot better at organizing the parents than teaching their children," she recalls. "Because of the lack of structure, you could try anything. That's when I discovered myself."

What she discovered was "empowerment" — helping people to take control of their lives and shape events to meet their needs. To this end, she organized parents of children involved with Head Start to push for more funding and to lobby politicians.

Waters' own "empowerment" began when she plunged into politics. She began as a volunteer to elect or keep elected those who might support the continued existence of Head Start. Eventually, that support became so wide-spread throughout Los Angeles that Waters had little more to do — as a volunteer. Still, her interest in politics was strong, and in 1972 she left Head Start to begin a political public-relations firm. It was a big jump, and a big risk, but a characteristic that has marked her career ever since. Her partner was John Floyd, a one-time candidate for the state Assembly and currently California campaign manager for Jesse Jackson's presidential bid.

The firm, Waters says, was not very successful, although one of its clients was Dave Cunningham who was elected to the Los Angeles City Council. He brought Waters on board as his chief deputy in 1973, a position she held until her own election to the Assembly three years later.

Divorced from her first husband in 1972, Waters remarried a few months after being sworn into the Assembly in January 1977. Her second husband is Sidney Williams who is a former linebacker with the Cleveland Browns who now sells Mercedes-Benz automobiles and is a business investor.

More than a legislator

Waters sees herself as more than a legislator. "I'm incapable of solving the problems of my district purely through legislation, but through empowerment, teaching them (constituents) how to organize themselves and fight in my ab-

The Jackson Campaign: a litmus test

Jesse Jackson won't win the 1984 Democratic presidential nomination, but his candidacy has brought large numbers of black voters to the polls. Does this mean anything for black politicians in California? A lot, according to one of Jackson's early and vocal supporters — Assemblywoman Maxine Waters.

"There's a possibility that existing black leadership that isn't supporting Jesse Jackson will be put to a test," says the Los Angeles lawmaker. "The cutting edge in the future will be whether you did or did not support Jesse Jackson."

If Waters is right, a majority of black leaders will have some explaining to do. To date, Jackson has been endorsed only by Waters, Oakland Congressman Ron Dellums and a handful of school board and city council members. The state's black heavyweights have thrown their support elsewhere. Los Angeles Mayor Tom Bradley supports Walter Mondale, as does Congressman Mervyn Dymally, state Senator Diane Watson and Assembly members Teresa Hughes and Curtis Tucker. Assemblywoman Gwen Moore supports Gary Hart, while Congressmen Julian Dixon and Augustus Hawkins, state Senator Bill Greene and Assemblyman Elihu Harris are uncommitted as of May 10th. Assembly Speaker Willie Brown says his choice is Ted Kennedy.

According to Waters, the greatest doubt has been cast on Bradley, who narrowly lost the governorship in 1982, thanks in part to a meager turnout in some black precincts. "This (lack of support for Jackson) raises further questions about Bradley and his leadership (among blacks)," Waters says.

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sence." A classic case of "empowerment" took place in 1981 when the Los Angeles County Board of Supervisors moved to cut the budgets of two inner-city hospitals and close several health clinics. With Waters unwilling to dissuade them, hundreds of her constituents demonstrated in protest outside the supervisors' hearing room.

Chairman Pete Schabarum, leader of the board's conservative majority, ripped into Waters for "taking the board to task" through the rallies. In response, Waters called members of the board "conservative bastards" and refused to interfere on the board's behalf with the protesters. The supervisors eventually restored some of the dollars and reopened the clinics.

Although Waters is one of the most active members of the Legislature and, by virtue of the kinds of causes she supports, a "people-oriented" person, she seems peculiarly isolated in Sacramento, with few friends or permanent allies among her colleagues. It's a situation that seems to have evolved through a combination of personal preference and her approach to legislation. Often accused of being unfriendly, Waters admits she doesn't like to socialize after putting in 12 or 14 hour days: "I'm just too damned tired! I prefer to go home and take off my shoes."

Waters disagrees with reports that she is disliked by other women lawmakers and says she has personal rapport with Assembly members such as Sally Tanner, Gloria Molina (to whom she contributed $10,000) and Lucy Killea. "Other colleagues don't like my style," she says. "But they work with me well in the Legislature."

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She also may seem isolated because many of the issues she champions tend to be outside the mainstream issues dealt with by the Legislature. For instance, women's issues are high on her priority list, and she has supported a roster of feminist proposals since joining the male-dominated Assembly: programs for rape victims, shelters for battered women, abortion, ERA, sexual harassment on the job and non-discrimination against pregnant employees.

However, she also introduces other measures that are often controversial: a bill to reinstate Los Angeles County Supervisor Kenny Hahn to the Los Angeles Memorial Coliseum Commission; the so-called Plant-Closure bill that would, among other things, require that employers give preclosure notice to employees. She also supports a constitutional amendment that would extend full voting rights to residents of the District of Columbia.

Around the Capitol, "hardball player" is probably the most flattering term used by Waters' detractors. "Dragon lady" and "Mama Doc" are the most common, while the most unflattering is "a *Vogue* magazine version of Aunt Jemima" coined by former Democratic Assemblyman Walter Ingalls. Yet Waters' aggressive style and her reputation for going to the wall over the smallest issue have earned her the wary respect of the people with whom she works.

"Maxine is an exceptionally able and fiercely tenacious adversary," says Assembly GOP leader Robert Naylor of Menlo Park. "She has the respect of almost everyone for her capabilities. Her biggest problem now is the breakdown of a positive working relationship with the (Deukmejian) administration."

According to Naylor, rancor against Waters runs so deep among GOP members that several have come close to inflicting political damage on themselves rather than support her bills. Of the rumor that Governor George Deukmejian has pledged to veto any bill she authors, Waters is cheerfully unconcerned. "I take great pride in the fact that the governor doesn't like me. If he decides to veto my bills based on personality, that's all right. But I'm going to beat him every time."

Maxine and Willie

Clearly, the most intriguing and important aspect of Maxine Waters' rise to power is her relationship with Assembly Speaker Willie Brown. She was one of Brown's earliest backers for the speakership, but she insists that any influence that has come her way as a result of it is only a matter of proximity. "That I have a good relationship with the speaker is certainly beneficial," she says. "Having access, being able to express my point of view and having him listen and respect that point is powerful."

To some Capitol watchers, however, Willie Brown is Waters' only link to power and influence. "Maxine was nothing but a backbencher and never considered a serious player before Willie Brown became speaker," says one. "She could never have a serious relationship with Leo (McCarthy) or Howard (Berman). . . ."

Observes Naylor, "There's no question that the speaker has a very high degree of respect for Maxine and doesn't get in cross-purposes with her. He appeases her, tries to accommodate her at every opportunity." Naylor adds that the Brown-Waters connection is more one of shared power than total loyalty. "She has her own set of agendas and insists that they be protected," he says.

Dave Cunningham, Waters' old boss, puts it more bluntly: "If she viewed it as in her best political interest, she'd send the speaker fishing."

Waters herself is unabashed about her apparent successes. "That which most people think is successful or think a lot of just doesn't mean that much to me. It's like getting an 'A' on a test — it may be wonderful, but it's supposed to happen."

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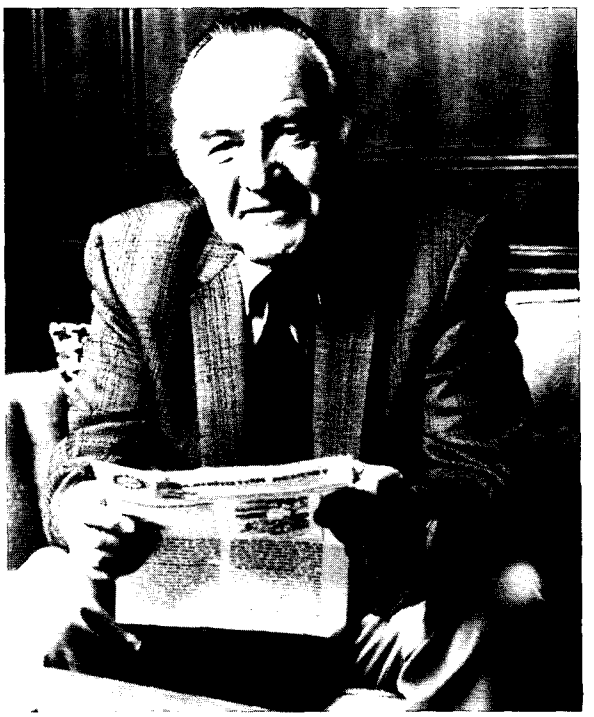
A visit with

PAT BROWN

Nearing retirement, he's still a package of nervous energy

By GLADWIN HILL



Edmund G. Brown Sr. had a birthday April 21st. It was, rather incredibly, his 79th: The 32nd governor of California (1959-1966), never exactly a conformist, displays virtually none of the conventional earmarks of imminent octogenarianism.

His hair isn't much grayer than when he was governor. He puts in a full day at his Beverly Hills law office nearly every day and plays golf every week ("I walk the first nine holes and ride the second nine"). He is still a chunky package of nervous energy, constantly bouncing out of his chair to dig out documents, show off mementoes or just point out the window.

He's still a soft touch for political meetings and dinners. And he spends nearly as much time thinking about the problems of the state of California as when he was governor. But some time in the months ahead, he probably will hang up his professional track shoes.

"I don't intend to keep on working much longer," he remarked during a recent *Journal* interview. "I feel pretty good. I come from a long-living family. My mother lived to 97, and she had all her buttons right up to the end. But there's a diminishment in your faculties that comes with age, beyond peradventure of a doubt. At least in your energy. . ."

The ex-governor hardly has to work for a living. Thanks to a gravy-train pension system created by the Legislature and a state Supreme Court decision, Brown's state pension has ratcheted up to a munificent $67,000 annually, wildly more than the $49,100 that the working governor is paid. In addition, the former governor has a partnership share in Ball, Hunt, Hart, Brown and Baerwitz, the big Los Angeles law firm that has employed him since he left the governor's mansion.

Also, Brown has a substantial portfolio of investments accumulated over the years. (His widely publicized partnership in Pertamina, a marketing company for Indonesian oil, was sold several years ago at a goodly profit. His only real property aside from his home is a 2,760-acre ancestral ranch in Colusa County, which is leased out, but which Brown has dreams of returning to family use. "I kind of hope the grandchildren will have some interest in it, will want to return to the soil," he says.) His income undoubtedly is well up in the six-figure bracket.

Modest living

Yet he and his wife Bernice — his regular golf partner — live modestly. Their home in Benedict Canyon in Beverly Hills is a two-bedroom house acquired in 1967 for $80,000, albeit worth many times that today. They have just added a bedroom, against the time when a live-in servant may be helpful. The family motor pool consists of one Chrysler and one Chevrolet.

At Ball, Hunt, Hart etc., Brown functions figuratively and literally as a sort of elder statesman, contributing behind-the-scenes counsel and his knowledge of the territory rather than any flashy legal work. Currently he is occupied with a couple of obscure pieces of corporate litigation.

"I haven't made many court appearances," he says. "When I get cases that call for that, I usually refer them to one of the other partners. When I joined the firm in 1967, half the judges around here were people I'd appointed, so that presented problems."

Brown has a spacious, plain, fifth-floor office. He works in his shirt sleeves, with his coat draped over the back of a side chair. On the walls are framed political cartoons and some photographs from his travels. Small family pictures adorn an end table. A coffee table is cluttered with odd mementoes — an old telegrapher's key, an ancient padlock and key from San Quentin Prison.

Brown spends a lot of his time on the Edmund G. "Pat" Brown Institute of Government Affairs. This is an entity that he and a covey of close friend established in 1980 for the stated purpose of bridging a perceived "communications" gap between state government and citizens.

No pretentious think-tank, the institute operates on a modest scale, mainly staging several times a year conferences and workshops for public officials, businessmen and citizen groups on topics deemed of prime public impor-

Gladwin Hill, a Los Angeles journalist, wrote Dancing Bear — An Inside Look at California Politics.

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tance. There's also an annual conference on the state's fiscal outlook. Other topics have included water, housing, criminal justice and high-speed transportation. The current agenda includes earthquake preparedness and U.S.-Japanese trade relations.

The institute is a non-profit, non-partisan organization. Its board of directors is headed by Russell B. Pace Jr., an insurance executive, and includes Frank Cullen and Pete Summers, publicists; William T. Bagley, the former legislator and current member of the Public Utilities Commission; Alton Myhrvold, a Los Angeles lawyer; Lynn Schenck, a Jerry Brown cabinet member; Gerald L. Schulman, a financial management man; and Lawrence Levitt, head of an accounting firm. Brown is honorary chairman.

The institute's expenditures for 1983 totalled $301,000, most of it going for conferences, and most of it coming from a variegated blue-chip roster of contributors studded with such names as Bank of America, Getty Oil, the William Randolph Hearst and Conrad Hilton foundations and the California Building Industry Association. A fund-raising dinner last year was attended by 450 people at $200 a plate.

The institute's headquarters is a small suite of offices two floors below Brown's. The institute's executive director is Marie Moretti, who was an administrator on Jerry Brown's staff and is sister of the late Bob Moretti, the former Assembly Speaker.

From Brown's personal standpoint, the institute serves as a vehicle for pursuing matters that preoccupied him as governor, like state finances, water, education, population and employment.

"My personal opinion on why the governor wanted to set up the institute," Marie Moretti says, "is that he's one of the few people who really exemplifies what public service is: He thinks he should really earn that pension, and he's as much concerned with state problems as when he was in office."

On Deukmejian

Democrat Brown takes the expectable dim view of the Republican regime now in Sacramento. "I think Deukmejian's a very mediocre man," he says. "He spent all his time in the Legislature trying to get longer prison terms for offenders, without considering the causes of crime.

"I think he's doing incalculable harm by not investing in the state's infrastructure and planning for the future . . . it's short-changing the kids."

Brown is especially sensitive about the oncoming generations. He has ten grandchildren, and they are one of his major interests. One daughter, Kathleen Brown Rice, who dropped a nascent political career in southern California to marry Van Gordon Sauter of CBS, has three children. The Browns' daughter Barbara, who is married to Charles E. Casey Jr., an investigator for the attorney general's office in Sacramento, has two children. Their daughter Cynthia, married to Joseph Kelly, a lawyer for Pacific Gas & Electric, has five children. Once or twice a year the Browns round up the whole clan and make a family expedition to places like Europe, Hawaii or the Orient.

Brown's disapproval of the Deukmejian regime is coupled with Democratic optimism. "These Republicans are right-wing conservatives, not the moderates many people think they are," he says. "I think the Democrats will be back on top two years from now." He mentions casually as promising figures on the Democratic landscape Attorney General John Van de Kamp, Lieutenant Governor Leo McCarthy, state Senator John Garamendi and Representative George Miller. He calls Assembly Speaker Willie Brown "very shrewd, sharp, brainy."

Ronald Reagan, Brown's political nemesis, is still a puzzle to him. "I never could understand Reagan and his ability to win," he says. "He really didn't know anything about government when he came in. But I must confess that in press conferences and personal appearances he's a very good seller of his product.

"I couldn't get a handle on him. And I don't think the press has either. I think he's a sincere, dedicated American. But he hasn't had the background. The loss of those 250 soldiers in Lebanon was inexcusable."

Brown still marvels at the caprices of politics. "It's such a matter of good fortune," he says, recalling a couple of historic Republican splits that helped propel him first into the attorney-generalship and then the governorship. "Good luck — that's the only way I got where I did."

The unpredictability of politics gives him considerable hope that Edmund G. Brown Jr. — whose gubernatorial, presidential and senatorial campaigns Pat energetically assisted — still has potential. Jerry, after his unsuccessful run for U.S. senator in 1982, was offered an "of counsel" spot in the Ball/Brown law firm, but turned it down to concentrate on two non-profit public-affairs study organizations. Father and son, whose views have had occasional divergences, now have an amiable but not intimate rapport. Jerry has participated in Brown Institute conferences. "We don't often have lunch or dinner together," the elder Brown says. "But he comes by the house every week or two for a visit."

"I don't think Jerry's through in politics by any means," Brown adds. "I think he was a good governor. I think he has an attractive political personality. He's good looking. He's studying all the time, travelling all the time. There are some able figures coming up on the national scene, like (Christopher) Dodd and (Albert Jr.) Gore and (Bill) Bradley in the Senate. But being in office, in the public eye, can be a negative. When you have to make decisions, you make enemies. When you're not in office, you can focus on issues. . . And look at the people who've been elected after they were counted out. I and a lot of other people were sure Nixon was through in 1962 after that 'kick around' speech. Yet only six years later he was elected president. . . ."

Brown is honorary chairman of the California Mondale campaign — and a Mondale delegate — and is still in demand as a speaker who can be counted on to give a sprightly, upbeat note to almost any political or civic occasion. But his once almost daily appearances have been scaled down to only a few each month "and I'm trying to cut that back."

The principal evidence of his accumulating years is that he is a bit less feisty, a little mellower. Once the mention of almost any personality or topic under the sun would trigger an animated disquisition, pro or con. Now he's inclined to dismiss things philosophically with a terse comment. He speaks with amused wonder, rather than bitterness, of spending three-and-a-half years as chairman of the Federal Commission on Revision of Criminal Law, only to have its overhaul job end in total rejection by Congress.

But Brown hasn't lost his zest for what he considers important causes. "I predict California will have 30 million people by the year 2005" — nearly one-third more than now — "and you have to lay a foundation for that sort of growth — highways, transit, water, education.

"That's why I've been fighting for things like the Peripheral Canal and mass transit and the bullet train. I have no legal or financial interest in them. I just think they're necessary."

He has no ornate plans for retirement (a term he never uses) except to spend more time with his family, and on the golf links, and on the Edmund G. "Pat" Brown Institute. Whatever pattern his life takes, however, it's evident that he will never be able to turn off his almost hour-to-hour concern about the management of California.

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(A summary of events during the preceding 30 days)

JARVIS QUALIFIES

(April 19th) — Howard Jarvis qualified his latest initiative for the November 6th ballot, according to Secretary of State March Fong Eu. Called "Save Proposition 13," the initiative would overturn decisions by the state Supreme Court and state Board of Equalization which, Jarvis says, have punched loopholes in his 1978 measure. Also it would require about $1.3 billion in property tax refunds and make it harder for local governments to raise fees and taxes.

JURY SELECTION

(April 20th) — In a 4-3 decision, the California Supreme Court overturned the 1977 death penalty conviction of Lee Edward Harris because his Los Angeles jury — drawn only from voter registration lists — did not represent a fair cross-section of the community. The defense had produced statistics showing that proportionately fewer minority citizens were on Los Angeles County voter rolls than in the county population. The court could not agree, however, on what lists should be used to produce a fair cross-section.

THE GOVERNOR'S WATER PLAN

(April 24th) — Governor Deukmejian sparked controversy by telling a news conference that his administration would start a new North-South water project with or without legislative approval. The "Through Delta" project, unveiled March 29th, involves construction of the top third of the Peripheral Canal, which was rejected by voters in 1982. Response was immediate and included critical editorials in Southern California papers. Northern lawmakers like Senate Majority Leader John Garamendi warned that Deukmejian was "on the verge of setting off a new water war." Assembly Speaker Willie Brown urged that any water-transfer plan be voted on by the public.

TAHOE PLAN APPROVED, ATTACKED

(April 26th) — After months of wrangling and deadlock, the bi-state Tahoe Regional Planning Authority (TRPA) approved a plan for developing the Lake Tahoe basin. Only moments after its passage, however, California Attorney General John Van de Kamp filed suit against TRPA in U.S. District Court in Sacramento, claiming that the plan did not adequately protect the lake's fragile environment. Environmental groups, such as the League to Save Lake Tahoe, said they also planned to sue.

A HOLD ON NETWORK PROJECTIONS

(April 26thy) — Secretary of State March Fong Eu sent a blunt letter to presidents of the three major television networks, urging that they not project the results of California's June 5th primary until after the state's polls close at 8 p.m. (PDT).

FORMER CHIEF JUSTICE GIBSON DIES

(April 28th) — Former Chief Justice Phil S. Gibson of the California Supreme Court died at age 95. Appointed by Governor Culbert Olson in 1939, Gibson served as Chief Justice for 25 years. During World War II, he was alone among California's high political figures in his opposition to the internment of Japanese-Americans. *The Sacramento Bee* called his career "one of the most distinguished" in California history.

DEUKMEJIAN AND THE UNITARY TAX

(May 1st) — Bowing to pressure from foreign governments and federal officials, Governor Deukmejian said California would try to rewrite its "unitary" system of taxing multinational corporations. Under the system, the state taxes multinationals according to their world-wide earnings rather than their California income alone. Deukmejian's proposed change, requiring legislative approval, could cost the state as much as $90 million, according to the governor.

GAS TAX BOOST PROPOSAL

(May 3rd) — The Infrastructure Review Task Force — appointed by Governor Deukmejian — recommended a five cent increase in the state tax on gasoline. The money would be used to pay for improving California's roads and highways. The group also suggested increasing motor vehicle fees and giving cities and counties the right to levy local taxes on gas. The governor, who has opposed tax increases, said he was reviewing the report. The state currently levies a nine cent per gallon tax on gasoline.

LOONEY TUNES

(May 3rd) — One of the more unusual debates of the year ended when the state Assembly refused to change the state song from "I Love You, California" to the zippier Al Jolson tune, "California, Here I Come." *The state song* wasn't the only tune under fire this month. *San Francisco Chronicle* columnist Warren Hinckle launched a campaign to have the city's official song livened up by dumping Tony Bennett's "I Left My Heart in San Francisco" in favor of "San Francisco," title song from the 1936 Jeanette MacDonald-Clark Gable film of the same name. Supervisors deadlocked on the issue.

LOCAL CONTROL OVER FIREWORKS

(May 3rd) — A bill that would give local governments the right to ban the sale of so-called "safe-and-sane" fireworks passed the Senate with but one dissenting voice — GOP Senator William Campbell of Hacienda Heights, a long-time supporter of fireworks tycoon W. Patrick Moriarty. The bill (SB2333 by Senator David Roberti) became necessary last February when a District Court of Appeals ruled that state law prevented local jurisdictions from imposing the ban. Ordinances in 83 California cities were affected by the court ruling. The bill, backed by Governor Deukmejian, is pending in the Assembly.

RUSSIANS WITHDRAW FROM L.A. OLYMPICS

(May 8th) — In a move that sent shock waves through Los Angeles, the Soviet Union announced that it would not send its athletes to compete in the 1984 summer Olympic Games. Soviet allies such as East Germany and Bulgaria followed suit, stripping the Games of some of its most powerful contingents.

STOCKTON RECALL

(May 9th) — A Stockton city councilman, Mark Stebbens, survived a recall election generated by charges that he was pretending to be black. Stebbens, who says he thinks black and who ran as a black, was elected to the council last November. Both his parents are white.

A. G. Block

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Scoring, bill selection flaw CalPIRG's rating process

By SENATOR PAUL B. CARPENTER

In the credenza behind my desk is a collection of five loose-leaf notebooks containing scorecards from a wide range of groups. Some have a particular bias: environmentalists, business people, labor and women's organizations all prepare and distribute scorecards. Other groups, such as the League of Women Voters, seek to evaluate the Legislature's performance on a wide range of issues.

This year a new group entered this latter category. The California Public Interest Research Group (CPIRG), one of a series of organizations formed on college campuses by Ralph Nader's organization, published its first assessment of the Legislature's performance. In its maiden effort, CPIRG presented a scathing indictment of our work, asserting not only that the Legislature "flunked" in its avowed mission to serve the people of California, but that it did so because it was swayed by big money contributed by California businesses. The report begins: "State Government Flunks Under Pressure From Corporate Lobbyists."

The report goes on to say that, based on their assessment, the Senate "averaged in" at 44.5 percent, "a solid 'F' by any standard." The Assembly, CPIRG adds, averaged 52.5 percent, "an abysmal 'F' on consumer and citizen issues."

These bold allegations were widely reported in the state's press. Numerous editorials and articles were written describing CPIRG's findings; almost all were critical of the Legislature. Not one editor or newspaper writer took time to investigate the group's selection of bills or assess whether the methodology used by CPIRG resulted in an accurate portrayal of the Legislature's actual record in representing the public interest.

Having been in the Legislature for ten years, I have become somewhat immune to charges that we have, on occasion, failed to represent the public's interest. Nevertheless, the notion that throughout the year the entire Legislature had "failed" in this regard seemed somewhat farfetched. When no one else responded to the challenge of investigating the validity of the CPIRG report, I decided to do so.

My review convinces me that, in fact, CPIRG's conclusions are wrong. Its incorrect evaluation of our performance stems from two major flaws.

The bills selected. The group of bills selected by this organization is not by any means a representative reflection of the public interest. Indeed, inspection of the roster of bills used by the League of Women Voters reveals that it shares only two bills with the CPIRG list. CPIRG's bills are, generally, less important. The League of Women Voters' list includes bills on the oil severance tax (AB3 (Bates)); acid rain (SB55 (Roberti)); and comparable worth (ACR37 (Tanner)) in their roster of 17 bills. By contrast, CPIRG's list of 16 bills for the Senate includes one on prepaid funeral arrangements (AB145 (Papan)); and a technical measure regarding land-use lawsuits (AB998 (Waters)). This strengthens my conviction that CPIRG deviated widely from other public-interest watchdogs in selecting the bills that form the basis for their analysis.

The absence of an adequate list of bills can have side effects which are almost amusing were the conclusions not so stark. One prominent member of the Senate who has authored a number of bills in the area of consumer protection is Democratic Senator Nicholas Petris of Oakland. Senator Petris was one of the members who received an "F" from CPIRG. Yet neither his SB875 (which establishes nutrition standards) nor any of his bills dealing with farmworker needs were included on the list.

When one considers that Senator Petris also received a zero from the business-oriented California Chamber of Commerce, one can conclude that someone has put together a faulty list of bills. After all, CPIRG contends that the Legislature "flunked" because it was "bought" by business interests. How then, could Senator Petris "flunk" on both counts?

My conviction was heightened when I found, upon inspecting the bill analyses prepared for us on the CPIRG measures, that some had no opposition whatsoever when they were heard by the Senate. Not even CPIRG bothered to communicate to us that there were supposedly undesirable side effects to the legislation before us.

Scoring the votes. The second major technical flaw in the CPIRG study is in its handling of abstentions. All legislation must have majority approval: at least 21 votes in the 40-member Senate and at least 41 votes in the 80-member Assembly. Therefore, an abstention, by denying a vote, can be considered the equivalent of voting "no."

Now, when a legislator abstains from voting on a bill that an organization supports, the organization can rightly rate that as a "wrong" vote. But conversely, when a legislator abstains on a bill that some lobbying group opposes, he or she should be given credit for a "good" vote. CPIRG categorizes all abstentions as "bad" votes.

Given the fact that many legislators were penalized for their abstentions on "bad" bills, it is not surprising that the Legislature received such a low score. Indeed, if only those abstentions on the seven bills CPIRG categorizes as "bad" are considered, 65 more "good" votes are cast by Senate members and the average score in the Senate rises from 44.5 percent to 55 percent — by CPIRG's definition, a passing grade.

Given the absence of opposition on some of these bills, and the absence of a number of important bills on CPIRG's list, an entirely different light is therefore cast on the study.

Senator Paul Carpenter, a Democrat from Cypress, is chairman of the Senate Democratic Caucus.

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CalPIRG defends its ratings

By HARVEY ROSENFIELD and ROBERT SHIREMAN

The Senate chalked up its dismal record on consumer issues under a Democratic Party majority which frequently portrays itself as pro consumer. The anomaly must make legislative leaders such as Senator Carpenter uncomfortable.

The senator's first point is that CPIRG's selection of bills was wrong, apparently because we chose different bills than did other groups preparing similar scorecards. To support this position, Carpenter points out that Democratic Senator Nicholas Petris of Oakland, who "authored a number of bills in the area of consumer protection," got a low score from CPIRG. Senator Petris is, indeed, one of the Senate's most forceful consumer advocates. But our Voting Index measures legislators' positions on consumer issues by analyzing their voting record, not their sponsorship of bills or other legislative activities. If we had chosen to develop criteria for measuring other dimensions of consumer sensitivity, Senator Petris' score would no doubt rise . . . but the score for the Senate as a whole would fall even further.

That we chose different bills than did other organizations, or that our score for Senator Petris is only 44 points higher than the score he received from the Chamber of Commerce, misses the point. The fact remains that the bills on which the legislators were rated pertain to bona fide public-interest issues, and that senators failed to protect citizens' interests more than half the time.

Ironically, Carpenter ultimately blames CPIRG for the legislators' low scores because we failed to notify lawmakers of the public-interest position on the bills in our Index in advance of the votes. The senator really has it backwards: Legislators are sent to Sacramento in order to make such judgements; we doubt many citizens would excuse anti-consumer votes merely because CPIRG or some other reputable public-interest organization had failed to advise the Legislature of the appropriate way to vote.

We do concede, in all modesty, that some legislators might have voted differently had CPIRG been able to participate in more bills last year. To answer that call, we've opened an advocacy office in Sacramento.

Taking a Walk

Senator Carpenter's argument on abstentions is basically a plea for approval of the practice of "taking a walk" on a vote. (That's when a legislator avoids a difficult decision on controversial legislation by abstaining in committee or not voting on the floor.) He correctly notes that not voting on a bad bill can deny legislation the majority it needs to pass. Thus, Carpenter concludes, not voting is in effect a "good vote" in such circumstances. He calculates that the overall Senate "F" average would skyrocket to a "D," if CPIRG had not penalized such abstentions.

This is hardly the way for senators to add a few extra points to their score. Abstentions represent an abdication of a legislator's basic duty to actively participate in the decision-making process. Indeed, Senate rules explicitly mandate that members vote "yes" or "no" on bills unless excused by the full Senate. Voting with one's feet denies citizens the opportunity to evaluate the performance of their elected representatives.

Perhaps the ultimate disappointment in the senator's analysis is that it leaves in shadows the impact of the millions of dollars contributed by special interests to legislators in 1983. It's too bad that his "investigation" of our study (conducted by the Senate Democratic Caucus staff at taxpayer expense) didn't include an examination of the potential effect of campaign contributions on the independence and integrity of the legislative process.

Harvey Rosenfield is the program director of the California Public Interest Research Group (CPIRG), a consumer organization with 90,000 members in California; Robert Shireman is CPIRG's legislative advocate.

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THE RATING GAME

How lawmakers rate on education, law-and-order, toxics and business

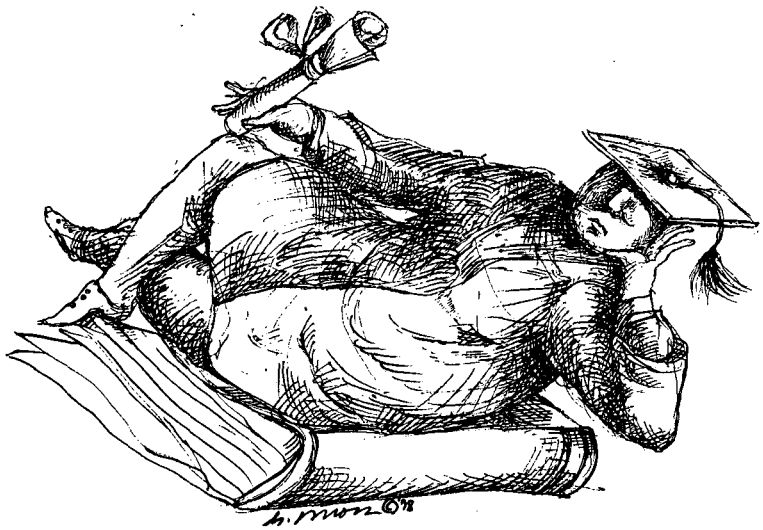
By JOAN REISS

What's your special interest? Civil rights? Education? Business climate? Whatever it is, there's a chance that some lobbying group is rating members of the Legislature according to their votes in that field. Not all such groups make their ratings public, but many do and herewith is a sample.

The sample covers 10 groups that rate lawmakers on everything from civil rights to public protection from hazardous wastes. One rating, that done by the California Teachers Association, proves what everyone already knew: that last year was a good one for the public schools. Look at the CTA ratings and you'll see that the majority of legislators in both houses got good grades. Two years ago, law and order was the popular legislative bandwagon.

Although the following tables show each legislator receiving an overall score from each group, showing how well he or she supported the aims of each group, only three of the groups figured the overall scores themselves. The others simply showed how each lawmaker voted (or abstained) on a list of bills of interest to that group. But since it would be virtually impossible to print all those lists, the *Journal* calculated an overall score for each lawmaker for each group.

Essentially, the scores were figured by dividing the number of votes (or abstentions) in support of a group's position by the number of opportunities to vote. Say, for example, that a group tracked 20 bills in the Assembly, giving assemblymen 20 opportunities to support or oppose the group's position. Assemblyman A voted with the group 15 times (including several "abstentions" that actually supported the group) and against it five times. His score, then, was 75 (15 divided by 20). The groups compiling their own scores were ADA, HAZ and CPIRG.



SENATE	ADA	CCOC	CFB	CLF	CNOW	CPOA	CPIRG	CSSA	CTA	HAZ
Alquist (D)	60	43	20	90	71	47	50	90	82	60
Ayala (D)	55	43	20	77	57	82	56	79	91	40
Beverly (R)	35	71	70	52	57	71	56	84	91	25
Boatwright (D)	45	43	50	65	57	77	38	74	45	45
Campbell (R)	10	86	70	6	57	82	25	63	45	20
Carpenter D)	40	57	20	95	71	71	44	58	73	50
Craven (R)	45	43	80	63	57	71	38	95	64	45
Davis (R)	30	57	60	30	14	94	38	37	82	15
Deddeh (D)	55	71	20	75	57	65	50	100	91	60
Dills (D)	65	29	10	88	100	65	63	84	100	60
Doolittle (R)	20	86	80	19	14	77	19	58	64	10
Ellis (R)	15	100	80	36	14	77	31	79	55	25
Foran (D)	45	57	20	77	57	71	44	63	45	30
Garamendi (D)	50	43	50	91	86	65	56	90	82	100
Greene, B. (D)	55	14	20	96	71	82	25	84	73	40
Greene, L. (D)	75	57	10	93	100	71	50	100	82	65
Hart (D)	80	0	30	90	86	77	75	84	91	80
Johnson (I)	35	57	80	56	43	82	38	79	82	50
Keene (D)	60	29	50	76	86	59	56	84	100	45
Lockyer (D)	70	29	20	88	100	65	56	90	100	50
Maddy (R)	30	86	100	38	57	53	38	79	55	30
Marks (R)	85	29	40	90	86	71	63	95	100	45
McCorquodale (D)	65	29	30	86	86	65	69	95	91	65
Mello (D)	55	43	60	79	57	71	69	95	91	60
Montoya (D)	40	29	20	74	29	53	31	74	73	50
Nielsen (R)	35	86	90	26	29	71	25	79	73	30
Petris (D)	100	0	10	91	86	41	44	74	82	85
Presley (D)	60	71	80	45	57	82	81	90	91	60
Richardson (R)	5	86	70	10	14	41	6	26	36	15
Robbins (D)	45	57	40	85	100	41	19	79	82	50
Roberti (D)	80	14	20	88	57	65	50	79	64	100
Rosenthal (D)	85	14	30	97	86	71	69	89	100	60
Royce (R)	15	100	90	37	29	77	38	63	55	25
Russell (R)	25	86	90	30	14	71	38	63	55	15
Seymour (R)	25	86	90	26	14	77	19	74	45	20
Speraw (R)	10	86	90	25	29	82	13	68	45	20
Stiern (D)	50	57	50	53	86	65	38	84	73	50
Torres (D)	65	29	30	86	86	59	56	95	73	50
Vuich (D)	40	86	70	63	71	53	56	90	82	60
Watson (D)	90	14	40	92	86	82	50	74	82	65
Average	49	53	50	65	60	71	45	78	75	47

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Here are the 10 groups and the number of bills and issues covered by each. All votes were in 1983.

Americans for Democratic Action (ADA) — 17 Senate and 21 Assembly bills on civil rights, health, education, environment, welfare and government reform.

California Chamber of Commerce (CCOC) — 6 Senate and 5 Assembly measures on taxes, insurance, death penalty and water.

California Farm Bureau Federation (CFB) — 9 Senate and 11 Assembly issues important to agriculture, including four appointments to the Agricultural Labor Relations Board.

California Labor Federation (CLF) — 18 Senate and 28 Assembly bills of primary interest to labor.

California National Organization of Women (CNOW) — 2 Senate and 9 Assembly votes on women's issues.

California Peace Officers' Association (CPOA) — 9 Senate and 11 Assembly bills relating to law-and-order.

California Public Interest Research Group (CPIRG) — 8 Senate and 20 Assembly measures on consumer protection, environment and toxics (see preceding story).

California State Student Association (CSSA) — 5 Senate and 15 Assembly bills relating to higher education and financial aid.

California Teachers' Association (CTA) — 7 Senate and 5 Assembly bills on K-12 education.

Hazardous Materials Scorecard (HAZ) — 2 Senate and 11 Assembly bills on toxics, compiled by a coalition of labor and environmental groups led by the Federated Fire Fighters.

Unlike past years, there are no bellweather ratings to determine who are the most liberal and conservative lawmakers. Previously, it had been possible to compare scores from the liberal Americans for Democratic Action and conservative California Republican Assembly. The CRA, however, did not issue ratings for 1983.

ASSEMBLY	ADA	CCOC	CFB	CLF	CNOW	CPOA	CPIRG	CSSA	CTA	HAZ
Agnos (D)	95	0	8	95	78	58	90	100	100	100
Alatorre (D)	85	0	31	96	89	53	76	100	100	91
Allen (R)	0	100	100	22	11	74	33	50	82	48
Areias (D)	70	67	70	73	67	63	71	94	82	84
Bader (R)	5	100	100	18	22	84	29	89	91	46
Baker (R)	0	100	92	17	0	90	10	78	64	18
Bane (D)	70	33	39	81	100	53	62	83	100	84
Bates (D)	100	0	16	98	100	61	86	83	82	100
Bergeson (R)	5	83	92	23	11	68	29	61	82	9
Bradley (R)	5	100	92	15	22	94	29	67	73	21
Bronzan (D)	80	50	54	77	67	72	71	83	100	91
Brown, D. (R)	5	83	92	6	0	78	5	50	36	7
Brown, W. (D)	95	0	31	93	100	53	86	100	100	91
Calderon (D)	90	17	23	79	89	58	76	89	91	91
Campbell (D)	95	17	15	100	89	72	81	83	100	91
Chacon (D)	80	17	47	80	78	63	76	94	100	91
Clute (D)	65	33	78	78	67	83	67	83	100	75
Condit (D)	55	67	77	77	78	89	62	94	91	71
Connelly (D)	90	0	8	100	100	63	86	94	91	100
Cortese (D)	80	33	46	90	89	67	76	100	91	91
Costa (D)	60	50	70	55	89	63	38	78	64	64
Davis (D)	90	17	23	89	100	58	76	100	100	84
Elder (D)	75	33	15	94	89	53	76	94	82	86
Farr (D)	90	33	39	96	89	53	86	89	91	84
Felando (R)	15	83	85	25	33	72	33	78	64	46
Filante (R)	20	67	69	23	44	63	33	78	73	46
Floyd (D)	85	17	15	94	100	42	38	78	73	64
Frazee (R)	10	67	85	19	22	58	14	61	64	18
Frizzelle (R)	5	100	100	11	0	74	19	78	73	18
Goggin (D)	70	33	23	90	100	47	81	83	82	84
Hannigan (D)	95	17	15	98	100	67	76	78	64	100
Harris (D)	100	17	15	91	100	58	81	100	100	93
Hauser (D)	90	17	15	97	100	58	86	94	100	91
Hayden (D)	100	0	8	97	100	58	95	78	91	91
Herger (R)	0	83	92	11	0	100	10	78	91	27
Hill (R)	0	100	100	13	0	84	33	67	82	55
Hughes (D)	95	17	31	94	100	53	71	94	82	91
Isenberg (D)	85	17	23	94	100	53	90	94	91	84
Johnson (R)	10	100	85	20	0	72	29	61	64	39
Johnston (D)	75	50	54	85	78	56	57	89	91	71
Jones (R)	10	100	92	21	22	89	14	78	73	36
Katz (D)	85	17	47	85	100	63	71	94	100	91
Kelley (R)	5	100	100	20	22	90	24	78	73	21
Killea (D)	70	50	31	90	100	67	71	89	100	86
Klehs (D)	100	17	15	98	100	58	90	100	100	91
Konnyu (R)	15	100	92	20	11	84	24	78	64	57
LaFollette (R)	10	67	92	23	33	89	43	67	73	55
Lancaster (R)	0	100	92	11	0	89	24	72	82	46
Leonard (R)	10	100	100	16	44	89	14	67	73	9
Lewis (R)	0	100	92	16	0	74	5	61	55	5
Margolin (D)	100	17	8	98	100	61	86	94	91	100
McAlister (D)	35	83	54	58	44	74	57	94	91	75
McClintock (R)	5	100	100	17	11	84	38	67	82	36
Mojonnier (R)	15	100	100	16	33	83	19	83	64	27
Molina (D)	85	17	24	96	89	58	67	89	91	91
Moore (D)	90	17	15	94	78	37	76	94	100	86
Moorhead (D)	35	50	46	72	56	83	33	67	36	59
Mountjoy (R)	0	67	100	16	0	89	10	50	64	14
Naylor (R)	10	33	92	24	11	79	19	67	73	21
Nolan (R)	0	100	92	10	11	84	29	72	64	30
O'Connell (D)	90	0	8	100	100	63	86	94	100	91
Papan (D)	75	33	46	78	100	67	62	89	82	91
Peace (D)	55	67	62	68	67	68	62	89	100	84
Robinson (D)	70	100	77	72	78	56	38	100	82	71
Rogers (R)	0	83	92	13	22	95	24	78	64	18
Roos (D)	90	17	46	87	89	61	67	94	100	93
Seastrand (R)	5	100	100	14	0	84	14	61	73	27
Sebastiani (R)	0	83	69	4	0	72	10	33	45	30
Sher (D)	85	17	15	100	100	63	81	100	91	93
Statham (R)	15	83	85	23	33	72	29	44	73	55
Stirling (R)	10	83	92	36	44	78	52	67	73	68
Tanner (D)	95	17	15	96	100	58	86	89	100	91
Tucker (D)	75	33	23	87	78	47	71	78	82	86
Vasconcellos (D)	80	0	31	98	78	44	67	94	91	86
Vicencia (D)	90	33	31	85	89	58	67	89	100	86
Waters, M. (D)	75	0	15	96	89	58	76	94	82	91
Waters, N. (D)	40	50	69	67	78	78	57	89	91	39
Wright (R)	0	100	100	18	11	90	19	83	73	36
Wyman (R)	0	83	100	9	11	68	24	72	73	30
Young (D)	65	17	31	83	100	44	67	89	82	77
Average	50	52	57	59	59	69	53	80	83	64

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GRAY DAVIS

alongside him, the rest of the world seems disheveled

By A. G. BLOCK

One night in 1962, a young man and his father were having a drink in a San Francisco bar when a stranger approached and perched an old hat on the father's head. The father removed it, but the stranger returned and perched it once more. After the sequence repeated itself one or two times, the father let the hat remain. Incensed by the continuing insult and perhaps by his father's unwillingness to make a scene, the son arose from his chair and smashed his fist into the stranger's face, laying him out on the floor. Unfortunately, the stranger had friends in the bar, and if a sympathetic barkeep hadn't hustled father and son to the street, they might have been laid out as well.

The son was Joseph Graham Davis III, better known in California politics as Gray Davis, assemblyman from Los Angeles and former chief of staff to Governor Jerry Brown. Although the barroom business occurred more than two decades ago, it proves beyond doubt that beneath Davis' meticulous grooming, impeccable manners and precision of speech there lurks a real, live human being.

Not that such forceful evidence was altogether necessary. Davis can be warm and spontaneous, and he's likely to laugh, be irked or show some other emotion at any time. Nevertheless, there is about him an aura of almost superhuman efficiency and control. Alongside him, the rest of the world seems disheveled.

Some contend that Davis was once as slipshod and sloppy as the rest of humanity but was corrupted by six years as gate keeper and top staff aide to the wayward Jerry Brown. Forced to fight for order and regularity during 24 hours of every day, he became uncontrollably addicted to planning and organization.

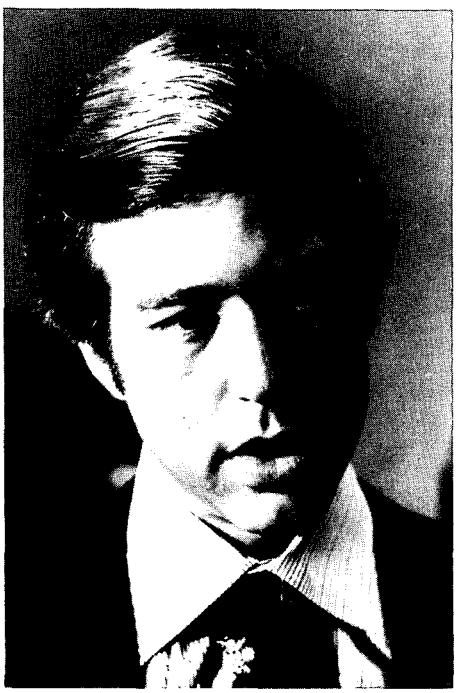

Photo by Dennis Warren

But judging from interviews with a handful of persons who knew him when (former classmates and fraternity brothers), Davis has always been heading toward the well-disciplined form of behavior that marks him now. According to former classmates at Stanford University, where Davis enrolled in 1959, he was generally regarded as an easy going person with a great sense of humor. He was on the school golf team and belonged to Zeta Psi social fraternity.

But he was still the sort of person, says a former fraternity brother, who would spend 45 minutes combing that head of brown, Kennedyesque hair, assuring that every strand was in its proper place. "He had to get it just perfect," the brother recalled. (Davis denies that his combings ever took quite that long.)

"Riches to rags"

Born December 26, 1942, Davis grew up with two brothers and two sisters in the wealthy Brentwood section of Los Angeles. But lest anyone think that he — a liberal Democrat — was just another rich kid, he also notes that his father, an advertising executive, managed to reverse the American dream. "We were riches to rags," he says. "My father inherited a lot of wealth and earned good money, but he squandered most of it on his family and friends."

But things weren't so bad that Davis couldn't attend the Harvard School in North Hollywood, a quasi-military prep school for the sons of the affluent. There, Davis was known as a competitive athlete, playing both golf and baseball (shortstop). And even then, the tendency toward orderly relationships was there. "He'd always pay back favors by calling attention to the fact that he was paying back a favor," recalls a classmate. "If he wanted to buy your lunch . . . he had to let you know that he was doing it because you bought his a week ago."

This sounds a bit political as well, but Davis maintains that he had no interest in politics, either at Harvard School or at Stanford. "Campus politics was for sissies," he says. "I was interested in school, golf and having a good time."

After graduating from Stanford in 1963, Davis enrolled in the law school at Columbia University in New York, and it was there that his attitude toward politics began to change. Taught to examine policies behind the law as well as the law itself, Davis says he became a "policy junkie" as he tried to understand and predict policy movements. From policy to politics was an

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easy move and Davis soon found himself admiring Republican John Lindsay, then the liberal mayor of New York. Davis says now that his attraction to Lindsay was superficial, a matter of Lindsay's leadership style. But the attraction to things liberal was more deep-seated, a rebellion against the affluence of his youth.

Says he, "My parents kept feeding me the nonsense that everyone could join the Bel-Air Country Club and live on top of a hill (as the Davis family did) if they just worked hard enough. As I got older . . . it became clear to me that most people are trapped by an accident of genes or geography. To compensate for the accidents of birth, government has to do some things."

After graduating from Columbia in 1967, Davis did 10-months in Vietnam as a captain in the Signal Corps, touring base camps to assure that all field units had enough tactical radios. The Bronze Star mentioned frequently in his campaign literature was won for meritorious service, not for heroism under fire.

Bored with the law

Davis returned to Los Angeles in 1970 and landed a job with one of the larger law firms in town — Lillick, McHose and Charles. But he soon became bored and dissatisfied. Although the job promised large financial rewards, Davis found — as he says now — "accumulating money wasn't worth all the sacrifice and effort." Not ready to leave the law but motivated by "a desire to help people," Davis decided to do some volunteer work in politics. But where to start? Still a "Lindsay Republican," he felt no kinship with a California GOP whose luminaries in 1970 included Ronald Reagan, George Murphy and Max Rafferty, conservatives all.

And so it was that as the 1972 elections approached Davis moved to the other side, choosing to work for a Democrat who was going after the biggest job on the state ticket that year. He was John Tunney, a congressman running in the Democratic primary for the U.S. Senate nomination. Davis volunteered and by election day was co-chair of the candidate's speakers bureau, arranging for surrogates to speak on Tunney's behalf and coaching them on what to say.

An acquaintance from those days claims that Davis would actually have preferred to work for Tunney's main opponent in the primary, George Brown, also a congressman but more liberal than Tunney. "But he (Davis) didn't feel Brown could win so he supported Tunney," the acquaintance said.

Davis emphatically disagrees. "I didn't know much about either candidate," he says. "I just wanted to get my feet wet in politics . . . Supporting Tunney was not a carefully thought-out and informed judgment." But whatever his reasoning, or lack thereof, Davis came out on the winning side. Tunney defeated Brown in June and went on to defeat Republican incumbent George Murphy in November.

Thanks to his work in the Tunney campaign, and his follow-up contacts with persons he'd met during it, Davis was asked in 1972 to work for a Los Angeles city councilman who had been defeated in his first run for mayor but was planning to run again. "I really didn't know who Tom Bradley was," Davis says. "All I knew was that Sam Yorty (the incumbent) was an embarrassment, and I wanted to help get him out."

Davis was offered a position as Bradley's finance director, a full-time, $2000-a-month member of the campaign staff. But when Davis went to his law firm superiors and asked for a six-month leave of absence, they refused, saying that he would have to choose between the law and politics. After a modest amount of agonizing, Davis chose the latter and has been at it more or less full time ever since.

Ivy and Jesse

The Bradley effort was Davis's second successful campaign, and it wasn't long before Davis — nothing if not ambitious — began looking for an opportunity to run for office himself. Not surprisingly, he decided to start at the top; that is, not to try for a city council or even a seat in the Legislature but to seek statewide office at once.

The year was 1974 and the 31-year-old Davis had a plan. Figuring correctly that the leading Democrats would scramble for the open seats that year — governor, lieutenant governor, controller and secretary of state — Davis chose to seek the Democratic nomination for state treasurer. Although the job was held by Republican Ivy Baker Priest, who was planning to seek another term, Davis guessed that few Democrats would want to challenge an incumbent. Thus, he would have the primary election pretty much to himself. "Once I got the nomination, I felt I could ride in on the anti-Watergate vote," Davis recalls.

Things were going much as Davis had predicted when due to illness, Priest decided at the last moment to quit the race. And now, with no incumbent to worry about, former Assembly Speaker Jess Unrush decided to step in. Davis ran an aggressive campaign, but when the dust settled on June 4th, Unruh had thrashed him two to one and had taught him a few lessons besides. For one, says Davis now, he learned to take nothing for granted. For another, he ways, he learned that some elections are over before they begin. "You can't beat someone with no one," he explains.

But something else happened during the '74 campaign: Davis got to know Jerry Brown. "An empathy developed between us," Davis recalls, "We both faced the same criticism — that we were young and inexperienced." After the primary, Brown hired Davis to work in his general election campaign and then asked him to head-up the pre-inaugural transition team. Finally, the new governor named Davis as his chief of staff. And the rest, as they say, is history.

(Actually, Brown named Davis as his "executive secretary," but Davis thought that a "whimpy" title — "like someone who ran behind the governor and took notes" — and had it changed.)

The Assembly

Davis left Brown's staff in October 1981 to try again for an elective career. But this time he aimed slightly lower — for a seat in the Assembly — and appears to have covered all the contingencies. Although Davis grew up in the district he represents (the 43rd in western Los Angeles), it is a largely Jewish area and had been represented by Jewish Assemblyman Howard Berman (now in Congress). Thus, Davis was threatened by Conway Collis, a Jewish aide to U.S. Senator Alan Cranston, who was also looking at the seat. But, lo, the State Board of Equalization was reapportioned in a way that gave Collis a chance to run for that body, where he is happily serving today.

In any case, Davis is now in the Assembly and appears to be doing well. Named in the Journal last January as one of the Assembly's "Rookies of the Year," he is leader of the Democratic freshmen, has been successful with his legislative package and is a master in the all important business of raising campaign funds.

Several of Davis' old friends say that his entry into politics changed him. "There was a progressing tension in Gray the closer he got to politics," says a former law-firm colleague. "He seemed to put on the costume and motiff of a statesman. Laughter didn't come easy to him anymore and there were fewer and fewer unguarded moments, even among friends."

Davis shrugs when asked about the comment. Looking back on his entry

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into politics, he says: "Once I committed to Tunney, it did two things. It gave my life a sense of purpose and direction, and it lengthened my day. If that meant I didn't laugh as much, maybe so."

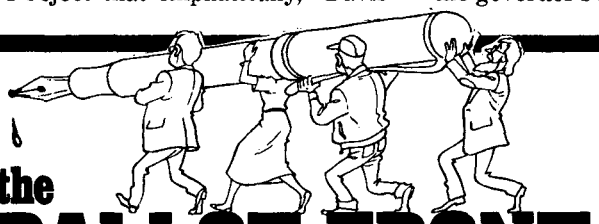
Burning bridges

There is a sense of bitterness and hurt when some of Davis' old friends talk about him today. "Gray burns his bridges so fast, it's a joke," says one who was a close friend of Davis' from Harvard School through Stanford.

"I reject that emphatically," Davis responds with a slashing motion of his hand. "That's not the way I operate. Listen, we're all a prisoner of the clock. There are only so many hours in the day, and since 1970, my California universe has been defined in political terms. Sure, I've lost contact with some people, but life leads you down different paths."

And what path will Gray Davis take? In many ways, the 1986 election might produce the same kind of scramble for higher office as did 1974 when Davis first ran statewide. Although the governor's race will offer a strong incumbent, the political futures of California's other partisan constitutional officers — and its senior United States senator — are up in the air. The opportunities to climb the political ladder seem ripe, and there are already rumors that 1984 will be Davis' last race for the Assembly.

"I have no personal time-table," Davis insists. "People spend too much time trying to get someplace else in politics. Jesse Unruh taught me to be fatalistic about politics and to play things close to my chest. He taught me to stay loose."



the BALLOT FRONT

A roundup of statewide initiative proposals. All Statutes require 393,835 valid signatures; constitutional amendments require 630,136. The date in parenthesis is the deadline for submimtting signatures to county clerks. Measures that fully qualify on or before June 28, 1984, will appear on the November ballot.

New in circulation:

- **COMMUNITY COLLEGE FUNDING** — an initiative constitutional amendment that earmarks one-half of one percent of the state sales taxes and three percent of personal income taxes for the permanent funding of community colleges, with revenues administered through the state treasury. (September 11th)
- **PERSONAL INCOME, BANK AND CORPORATION TAX LAWS** — an initiative statute, sponsored by State Board of Equalization member Conway Collis, that amends the state Revenue and Taxation Code to conform with federal laws (1985 for income taxes; 1986 for bank and corporation taxes). (September 11th)
- **FEDERAL INITIATIVE PROCESS** — an initiative statute sponsored by David E. Miller of San Francisco that requires the Legislature to adopt a resolution urging Congress to create an initiative process for federal laws. (September 17th)

Continuing in circulation:

(Fuller explanations of each measure appeared in the *Journal* issue specified.)

- **NUCLEAR FREE ZONE** — Statute (May 29th — CJ March 1984)
- **ENGLISH-ONLY VOTING MATERIALS** — Statute (May 29th — CJ March 1984)
- **RENT CONTROL: BAN ON REGULATION FOR UNITS OCCUPIED OR VACATED AFTER 1984** — Statute (May 29th — CJ March 1984)
- **RENT CONTROL: BAN ON FUTURE LAWS; PHASE-OUT OF CURRENT LAWS BY 1990** — Constitutional amendment (June 7th — CJ March 1984)
- **WORKFARE** — Constitutional amendment (June 11th — CJ March 1984)
- **RENT CONTROL: BAN ON FUTURE LAWS; NO PHASE-OUT** — Constitutional amendment (June 15th — CJ March 1984)
- **LOTTERY: FUNDS FOR PUBLIC EDUCATION** — Constitutional amendment (June 15th — CJ March 1984)
- **REAPPORTIONMENT COMMISSION; REAPPORTIONMENT FOR 1986** — Constitutional amendment (June 18th — CJ March 1984)
- **LOTTERY: FUNDS FOR HOME LOANS** — Constitutional amendment (June 25th — CJ March 1984)
- **CAMPAIGN CONTRIBUTION LIMITATIONS** — Statute (June 26th — CJ March 1984)
- **AGRICULTURAL LABOR-RELATIONS ACT** — Statute (June 26th — CJ March 1984)
- **OPEN PRIMARY** — Statute (June 26th — CJ March 1984)
- **THE RIGHT TO OWN, USE AND POSSESS FIREARMS** — Constitutional amendment (July 23rd — CJ April 1984)

Qualified for the November ballot:

- **TAXATION** — a constitutional amendment, sponsored by Howard Jarvis, that amends Proposition 13 to close loopholes Jarvis claims have been opened by the courts and the State Board of Equalization. (Signatures submitted to county clerks March 19th)

Signatures being counted:

- **NO FIRST-USE OF NUCLEAR WEAPONS** — an initiative statute that requires the governor to write the president requesting that the United States declare that it will not be the first to use nuclear weapons. (Petitions submitted May 7th)
- **LIMITS ON WELFARE AND PUBLIC ASSISTANCE PROGRAMS** — an initiative statute sponsored by GOP Assemblyman Ross Johnson that establishes a Public Assistance Commission and limits welfare expenditures in California to the national average, plus 10 percent. (Petitions submitted May 1st)
- **CAMPAIGN CONTRIBUTION LIMITATIONS** — an initiative statute, also sponsored by Assemblyman Johnson, that limits an individual's contribution to $1000 per candidate and $250 per PAC or party; limits annual PAC contributions to $1000 per candidate; and provides that public funds be given to candidates to match unlimited personal expenditures by opponents. (Petitions submitted April 27)

Failed to qualify:

- **LEGISLATOR COMPENSATION: BUDGET BILL ENACTMENT** — an initiative constitutional amendment that would have denied lawmakers all pay and expenses, plus fined them $200 a day, if the state budget was not passed and submitted to the governor by June 15th of each year.
- **TOBACCO EDUCATION PROGRAMS** — an initiative statute that would have required the Department of Health Services to conduct tobacco education programs.
- **GOVERNOR'S RIGHT OF PLEBISCITE** — a constitutional amendment that would have given the governor the right to call elections to alter or abolish statutory laws.
- **AUTHORIZING PRAYER IN PUBLIC SCHOOLS** — a constitutional amendment that would have authorized prayer in California public schools, including the University of California.
- **GAMBLING AND LOTTERIES — PUBLIC GAMING CONTROL COMMISSION** — the 20th attempt to amend the state constitution to authorize lotteries, legalize gambling in selective locales and create a Public Gaming Control Commission.

Source: Secretary of State March Fong Eu.

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Women live longer but want the same rates

By JENNIFER KERR

Back in 1978 the state Senate was debating a bill that required life insurance companies to charge lower rates for women. The rationale was that women lived longer than men and were therefore likely to make more payments over the life of the policy. In the middle of that debate, Senator Dennis Carpenter, a Newport Beach Republican who is now a lobbyist, couldn't resist a droll joke.

"Did it ever occur to you why women live longer?" he asked his colleagues. "They lie around the house. They get waited on. They get doors opened for them. I say let them pay a little extra in their premiums."

Nevertheless, Carpenter joined 33 other senators to vote for the bill (AB335 by Democratic Assemblyman Alister McAlister of Fremont) which was later signed into law by former Governor Jerry Brown. Thus, beginning in 1981, insurance firms were required to base life insurance and annuity rates on sex-different mortality tables — assuring women of lower rates.

In 1984, however, the National Organization for Women and other feminist groups ironically find themselves echoing the last line of Carpenter's little jest: Let them pay higher rates.

NOW and the others want all insurance to be "unisex," with no differences based on gender in rates, availability, cancellation, dividends or benefits. They would rather have equality than privilege. And they are willing to take the higher rates — particularly in automobile and life insurance — that the industry says would result.

The women's groups, strongly opposed by the insurance industry, are pushing legislation in Congress and the California Legislature to prohibit sex discrimination in insurance. The federal bills, HR100 and S372 (by Michigan Congressman John Dingell and Oregon Senator Bob Packwood) are pending in Congress. Four states have passed laws imposing some sort of ban on gender discrimination in insurance (Hawaii, Massachusetts, Michigan and North Carolina). Pennsylvania also has a ban that is being reviewed by its state Supreme Court.

The California version, SB1226 by Democratic Senator Bill Lockyer of San Leandro, was killed in January by the Senate Insurance, Claims and Corporations Committee. That action occurred after a three-hour hearing that saw both sides trot out credential-laden women experts who spouted conflicting statistic after statistic.

In the end, however, the women's groups failed to convince the senators that because of insurance practices, women are suffering some great social evil. They were unable to counter the insurance industry's main argument — that unisex insurance would mean higher insurance premiums for most women (15 to 25 percent higher for all women for life insurance) and the industry's related claims that the cur-

Jennifer Kerr is a Sacramento reporter for the Associated Press.

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rent system is fair to women because there are valid differences between men's and women's life expectancies, driving records, visits to doctors and rate of job injuries.

Even so, the issue is not likely to fade away. Various facets are before the courts, and the Legislature next year no doubt will be asked to review the matter again. At the moment, Lockyer is awaiting an attorney general's opinion on whether the California Constitution or other law already bans sex-based tables. According to Lockyer, it's only a matter of time. "My own conviction is the tides of equality are prevalent in this society and are irreversible," he says.

So why are insurance companies fighting? Why don't they relax, sell unisex insurance and collect the higher rates? "Because it's unfair," replies Lewis Keller, lobbyist for the Association of California Life Insurance Companies. According to Keller and other industry representatives, fairness (not to mention profit and stability) requires that the cost of a person's insurance be related to the company's risk when insuring that person. Thus, women should pay less than men for life insurance because they live longer; just as adults should pay less than teenagers for auto insurance because adults have fewer accidents.

Turmoil

If that principle is ignored, they continue, insurance marketing would be thrown into turmoil. One industry source predicted that if California enacts a unisex law — thus, driving up the cost of life insurance for women — many women would begin buying insurance out-of-state, causing big losses for California agents and firms.

Another source noted that a unisex law and other such statutes, perhaps barring discrimination on the basis of age, would not change the fact that women live longer than men or that teenagers have more auto accidents than adults. In response, companies would inevitably skew their marketing to reduce coverage of men and teenagers. The result would be charges of wrongdoing, countercharges and the possibility of government regulation — the last thing that insurance companies want.

But regardless of such arguments, the courts appear to be going women's way. In 1978, the U.S. Supreme Court ruled *(City of Los Angeles Department of Water and Power vs. Manhart)* that employers could not force women to make higher contributions to corporate retirement plans because statistically they live longer and therefore collect more benefits. The Court's rationale? Those statistics were suspect because they involved a classification — sex — that an individual could not control.

Striking close to the heart of all statistics-based insurance tables, the Court declared: "Even a true generalization about the class is insufficient reason for (treating differently) an individual to whom the generalization does not apply" because "there is no assurance that any individual will actually fit that generalization."

Last August the Court ruled *(Norris vs. Arizona Governing Board)* that, based on the Civil Rights Act of 1964, a public pension system could not give men and women different monthly retirement payments after they had made equal contributions into the system. "An individual woman may not be paid lower monthly benefits because women as a class live longer," the Court's opinion stated.

Insurance experts claim that, taken to its extreme, the Court's rationale would prohibit the industry from applying statistics to any group of people to determine high and low risk. Feminists, on the other hand, say they don't want to go that far. In their view, the industry can develop generalizations, but those generalizations must be based on things within a person's control.

The feminists' view was summarized recently by Dr. Mary Gray, chair of the Department of Mathematics, Statistics and Computer Science at American University. In testimony on SB1226, Dr. Gray said, "I have one life expectancy as an American, a longer life expectancy as a woman, a shorter life expectancy as a resident of the District of Columbia, a longer life expectancy as a non-smoker, a shorter life expectancy because I am overweight." Of these "classifications," she said, only a person's sex can't be controlled by the individual. The others, she agreed, could be used to determine risk, thus preserving the insurance industry's ability to use statistics.

Feminists argue that the Court's decisions lead to but one conclusion — that separate mortality tables for women discriminate. Although California lawmakers are not ready to buy that argument, the war over sex-based mortality tables is far from settled.

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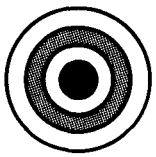

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MARKETING ORDERS:

PUTTING THE SQUEEZE ON LEMONS

By DAVID DRUM

Three years ago California's navel orange groves were at the center of a storm of criticism. Photos in *Life Magazine*, *The New York Times* and other major publications showed huge piles of navel oranges allegedly dumped to rot in the sun. A coalition of maverick orange growers and consumer activists charged that the industry had in effect made itself a monopoly — "the OPEC of oranges" — and was wasting food to prop up farm prices. A federal marketing order, which regulated supplies of fresh oranges to domestic markets, was blamed for the surplus.

Now, in a much quieter way, a similar debate is under way in California and Arizona's lemon groves. While California shoppers paid up to 34 cents apiece for lemons last year, lemons by the ton were rotting on trees.

And again, a marketing order is being blamed. Critics contend that its abolition would cut prices and encourage aggressive selling, thereby broadening the market for lemons and boosting profits for all. Supporters reply that the order is preventing a few big growers from being able to control lemon production and push prices even higher than they are now.

At the center of it all is the Lemon Administrative Committee, a federal regulatory board created under provisions of the 1937 Agricultural Marketing Act. Designed to help depression-era fruit and vegetable growers, the act allows growers to not only set size and quality standards for produce shipped to market but to regulate the quantity of shipments as well.

The 13 members of the Lemon Administrative Committee meet every week in Los Angeles to estimate customer demand for the coming week. That projected amount is translated into 38-pound cartons, and orders for that number of cartons are divided up — "prorated" — among the 68 lemon packing houses in California and Arizona. Each packing house then divides its allotment among the individual growers — 5000 in the two states — who supply them.

Purpose

The purpose of the prorate system is to assure a steady, even flow of lemons to market and better prices for growers. This is possible because lemons, unlike peaches, grapes and other perishable crops, can keep reasonably well on the trees for months at a time.

But the system doesn't always get the entire lemon crop to market. Thanks to good weather and lack of a freeze, Western lemon growers last year produced 63.2 million cartons of lemons — nearly 1.5 million tons. Of that, nearly 35 million cartons went into markets that are not controlled by prorate: 26.3 million cartons into lemon juice concentrate, pectin and other forms of processing, and 8.6 million cartons for export. Covered by prorate were the 13.6 million cartons that went to grocery stores and produce markets for sale as fresh fruit.

Over 14.4 million cartons — more than 500 million pounds of lemons — were abandoned and left to rot to avoid glutting the fresh market and lowering growers' returns. Nevertheless, growers received only an average $8.58 a carton for fruit it cost them an estimated $11.35 a carton

David Drum is a freelance writer and photographer from Venice who specializes in agriculture.

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to produce, based on USDA figures and industry survey averages.

A growing number of critics, primarily big farmers and consumer activists, blame the market-order/prorate system for the problem. Generic advertising and a return to the law of supply-and-demand would bring more lemons to market at lower prices and increase consumer consumption, they say.

Lemon Administrative Committee officials and a majority of lemon growers want prorate to stay just the way it is. They blame the losses on overplanting by "tax-shelter" farmers — doctors, lawyers and accountants who write off their losses as development expense — and the five years of balmy weather. The demand for lemons has been constant for 20 years, they say, and advertising isn't going to change it.

Carl Pescosolido, an Exeter grower and packer with 450 acres in lemons, is an outspoken critic of the prorate process. He calls it "the tyranny of the majority." "This is an absolute disgrace to society and our industry and the agriculture department that administers these programs," Pescosolido says. "Congress never intended for the Agricultural Marketing Agreement Act to cause the abandonment of food in the United States."

By-passing the law

Last October Pescosolido and Capitol Legal Associates, a Washington public-interest law firm, filed a $9.7 million lawsuit against the Lemon Administrative Committee, the U.S. Department of Agriculture and Sunkist Growers Inc., a cooperative which supplies 70 percent of domestic lemons and holds six of the thirteen lemon committee seats. Pescosolido claimed the $9.7 million was due him for losses he suffered the last two years under prorate.

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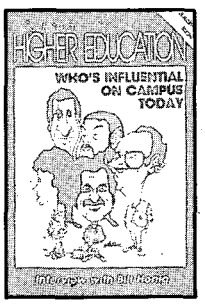

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In November the USDA returned the favor and sued Pescosolido for $3.4 million, charging he shipped more than his prorate allotments for four years — 1978 through 1982.

A Sanger grower tried another way to cut his losses: Riverbend Farms had more orders for lemons than it could fill under its tight prorate allotment. The company took advantage of a marketing order provision which limits prorate to domestically grown supplies and imported several thousand cartons of lemons from Chile.

Riverbend had enough lemons on its trees to meet the orders, but couldn't pick them because of prorate, said Perry Walker, Riverbend's vice president for governmental affairs. "We have more opportunities to ship more lemons to more places domestically than we ever did," Walker says. "We don't need a heavy-handed restrictive prorate. We want to shift from supply control to aggressive marketing."

David Beavers, manager of the Lemon Administrative Committee, strongly disagrees. "Without the marketing order, you'd see growers in a worse situation than they are now, with the big growers eating up the little. You would basically see the disappearance of the small grower and an industry controlled by a few larger operators who could then regulate themselves," he says.

As evidence for the consistency of demand for lemons, Beavers says his records show that 14.8 million cartons of lemons were sold in 1960 and demand has held between 12 and 14 million cartons for the past five years. Consumption in the country has stuck at 2.1 pounds per capita for more than a dozen years. "How many lemons can people utilize?" Beavers asks.

Jack Heeger, vice president of public affairs for Sunkist, says lifting prorate won't help consumers. In 1954, when prorate was lifted for a short time on oranges, and in 1975, when it was lifted on lemons, prices to growers plunged as much as $4 a carton while retail prices stayed approximately the same, he says.

"Supply management is used by firms outside agriculture all the time," Heeger says. "Other companies manage supplies by shutting down production lines, but agriculture is different. You have to wait seven years before a tree can produce commercially. When you have more than you can sell, you have to take a loss."

The controversy has caught the attention of federal officials. President Ronald Reagan and budget director David Stockman announced, in a burst of free-market enthusiasm last spring, that they intended to deregulate citrus. Secretary of Agriculture John Block, also a strong believer in the free market, took a more moderate stand. He defended the need for market orders generally, but called for increased "flexibility" in their operation.

After top-level meetings among presidential counselor Ed Meese, Block and Sunkist, the decision to deregulate was shelved and Block called for public hearings to determine if and how the marketing order should be modified.

The hearings began in January and lasted nearly seven weeks. Most of the recommendations involved technical amendments to the marketing order, but one grower suggested creating three independent marketing districts instead of channeling everything through a centralized advisory committee in Los Angeles.

The lemon committee recommended allowing growers to vote every six years on whether to continue prorate for another six, and limiting the tenure of committee members to three two-year terms, among other things.

The USDA is not expected to publish its preliminary decision on suggested amendments until late fall. After that the changes will be submitted to growers for a vote. It is doubtful if any modifications to the marketing order could become law before July or August 1985, Beavers says.

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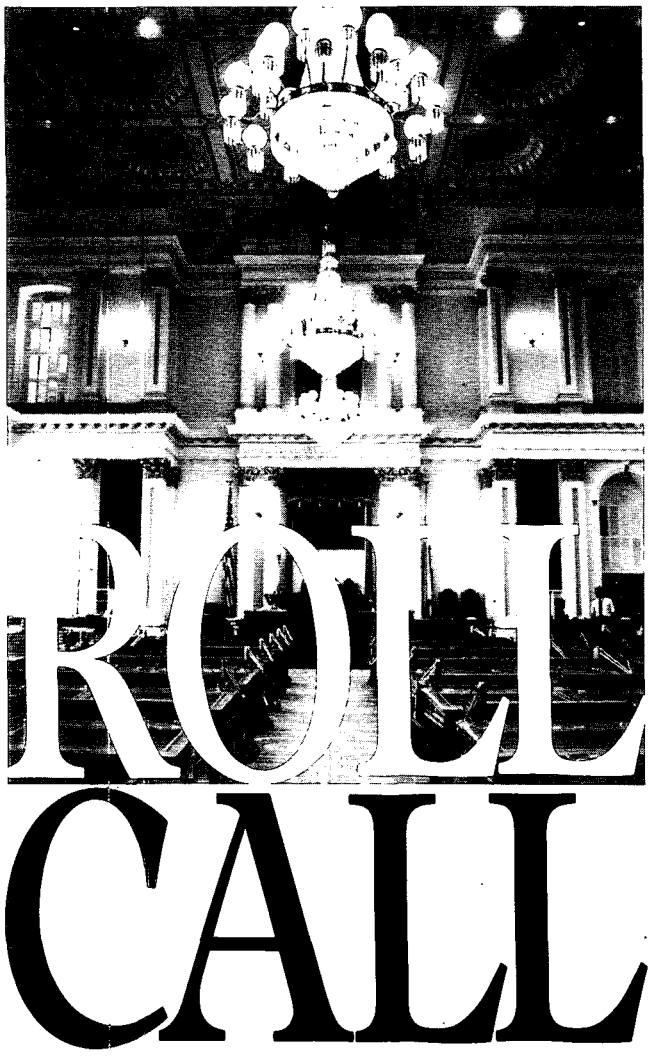

ROLL CALL

A defeated bill often has more votes in favor than against. This occurs because all bills, on the floor and in committee, need at least an absolute majority to pass. Thus, a bill may be approved 40-28 in the 80-member Assembly but be defeated because it failed to get the 41-vote majority. Urgency, appropriation and tax measures require two-thirds majorities on the floor, as do proposed constitutional amendments and veto overrides.

ASSEMBLY

POKER

AB 402 (Vicencia). Repeals prohibition against the playing of stud poker for money. Proponents say the original 1885 law prohibiting stud poker is antiquated. Opponents do not favor any expansion of gambling due to the influence of organized crime. Passed April 30th, 56-14.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Campbell, Chacon, Clute, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Robinson, Sher, Tanner, Vicencia, Norman Waters.

REPUBLICANS FOR: Baker, Dennis Brown, Felando, Filante, Frizzelle, Hill, Johnson, Jones, Kelley, Konnyu, Lewis, McClintock, Naylor, Nolan, Seastrand, Statham, Wright.

DEMOCRATS AGAINST: Condit, McAlister.

REPUBLICANS AGAINST: Allen, Bader, Bergeson, Frazee, La Follette, Lancaster, Leonard, Mojonnier, Mountjoy, Sebastiani, Stirling, Wyman.

ELDERLY ABUSE

AB 2530 (Moorhead). Imposes a $4 surcharge on death certificates to finance abuse and neglect-prevention and treatment programs for the elderly. Supporters say the bill will generate an additional $2.75 million in 1984-85 to fund such programs. Opponents object to the manner of financing these programs. Failed April 26th, 36-22.

DEMOCRATS FOR: Agnos, Alatorre, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Condit, Davis, Farr, Floyd, Goggin, Harris, Hauser, Hayden, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moorhead, O'Connell, Roos, Tanner, Tucker, Maxine Waters.

REPUBLICANS FOR: Bader, Felando, Filante, McClintock, Mojonnier, Sebastiani, Stirling.

DEMOCRATS AGAINST: Clute, Connelly, Costa, Hughes, McAlister, Robinson, Norman Waters.

REPUBLICANS AGAINST: Allen, Baker, Bergeson, Bradley, Dennis Brown, Frazee, Frizzelle, Herger, Hill, Kelley, Leonard, Lewis, Naylor, Nolan, Wright.

SPOUSAL SUPPORT

AB 2457 (Maxine Waters). Repeals presumption in law of a diminished need for support if an ex-spouse is cohabiting with a person of the opposite sex. Supporters contend that such presumption is neither fair nor accurate in all cases. Opponents say it is fair. Failed April 23rd, 28-40.

DEMOCRATS FOR: Agnos, Bane, Bates, Bronzan, Calderon, Campbell, Connelly, Davis, Farr, Floyd, Hannigan, Hauser, Hayden, Hughes, Johnston, Klehs, Margolin, Molina, Moorhead, O'Connell, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Young.

REPUBLICANS FOR: None.

DEMOCRATS AGAINST: Alatorre, Areias, Willie Brown, Clute, Costa, Harris, Isenberg, Katz, McAlister, Robinson.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Bradley, Dennis Brown, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Nolan, Rogers, Seastrand, Sebastiani, Stirling, Wright, Wyman.

SCHOOL PENSIONS

AB 1265 (Elder). Permits school districts during teacher negotiations to offer various retirement benefits in lieu of a salary increases. Proponents say the bill would give school districts an additional bargaining tool. Critics argue that the bill will cost over $1 million in lost income tax revenues from the deferral of taxes on the contributions picked up by school districts. Urgency clause to conference report refused adoption April 23rd, 48-26.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Elder, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Molina, O'Connell, Papan, Robinson, Roos, Sher, Tanner, Tucker, Vicencia, Maxine Waters, Norman Waters, Young.

REPUBLICANS FOR: Bergeson, La Follette, Lancaster, McClintock, Stirling.

DEMOCRATS AGAINST: Moorhead.

REPUBLICANS AGAINST: Allen, Bader, Baker, Dennis Brown, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, Leonard, Lewis, Mojonnier, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Wright, Wyman.

CONSTITUTIONAL AMENDMENTS

ACA 7 (Campbell). Requires constitutional amendments that need a two-thirds vote for future revisions be approved by two-thirds of the voters instead of a majority vote. Proponents wish to avoid another Proposition 13, which required a majority vote for passage but a two-thirds vote for local amendments. Opponents say this measure will make it more difficult to enact constitutional revisions. Failed April 23rd, 39-34.

DEMOCRATS FOR: Agnos, Alatorre, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Davis, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Katz, Killea, Klehs, Margolin, Molina, Moorhead, O'Connell, Papan, Robinson, Roos,

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Sher, Tanner, Tucker, Vicencia, Maxine Waters, Norman Waters, Young.
REPUBLICANS FOR: None.
DEMOCRATS AGAINST: Areias, Costa, Johnston, McAlister.
REPUBLICANS AGAINST: Allen, Bader, Baker, Bergeson, Dennis Brown, Felando, Filante, Frazee, Frizzelle, Herger, Hill, Johnson, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Sebastiani, Stirling, Wright, Wyman.

REVENUE TRANSFERS

AB 3432 (O'Connell). Allows property tax revenues to be transferred between local government agencies regardless of whether a jurisdictional change occurs. Supporters state that revenue transfers are desirable especially if an agency wants to maximize federal revenue-sharing funds. Opponents don't agree that agencies should have this kind of flexibility. Passed April 12th, 58-18.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Costa, Davis, Elder, Farr, Floyd, Goggin, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Molina, Moore, Moorhead, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Norman Waters, Young.
REPUBLICANS FOR: Bader, Bradley, Filante, Frazee, La Follette, Lancaster, McClintock, Mojonnier, Statham, Stirling, Wright.
DEMOCRATS AGAINST: None.
REPUBLICANS AGAINST: Allen, Baker, Bergeson, Dennis Brown, Felando, Frizzelle, Herger, Hill, Jones, Konnyu, Leonard, Lewis, Mountjoy, Nolan, Rogers, Seastrand, Sebastiani, Wyman.

SENATE

FIREWORKS

SB 2333 (Roberti). Gives cities and counties the authority to regulate the sale and use of "safe and sane" fireworks. Sponsors contend that cities and counties are better able to regulate these fireworks than the state. Opponents say the state should retain a uniform policy on fireworks. Passed May 3rd, 35-1.

DEMOCRATS FOR: Alquist, Ayala, Boatwright, Carpenter, Deddeh, Dills, Foran, Garamendi, Bill Greene, Leroy Greene, Hart, Keene, Lockyer, McCorquodale, Mello, Montoya, Petris, Presley, Robbins, Roberti, Rosenthal, Stiern, Vuich, Watson.
REPUBLICANS FOR: Beverly, Davis, Doolittle, Ellis, Johnson (Ind.), Maddy, Marks, Nielsen, Royce, Russell, Seymour.
DEMOCRATS AGAINST: None.
REPUBLICANS AGAINST: Campbell.

CAMPAIGN PRACTICES

AB 406 (Davis). Makes candidates who refuse to sign a fair-campaign practices agreement ineligible to receive funds from the California Election Campaign Fund. Proponents say the meausre will reduce unfair campaign practices and smear tactics. Critics question the effectiveness of a voluntary campaign code of ethics. Passed May 3rd, 24-10.

DEMOCRATS FOR: Alquist, Ayala, Carpenter, Deddeh, Garamendi, Bill Greene, Leroy Greene, Hart, Keene, Lockyer, McCorquodale, Mello, Petris, Presley, Roberti, Rosenthal, Torres, Watson.
REPUBLICANS FOR: Beverly, Craven, Ellis, Johnson (Ind.), Marks, Russell.
DEMOCRATS AGAINST: Boatwright, Foran, Montoya, Vuich.
REPUBLICANS AGAINST: Campbell, Davis, Maddy, Nielsen, Richardson, Seymour.

ADMISSION DAY

SB 1432 (Robbins). Changes Admission Day from September 9th to August 6th for 1984 only because of the Olympic Games in Los Angeles. Supporters say that California should do everything possible to accommodate the Summer Olympic Games. Opponents cite the expense and inconvenience of a date change. Passed April 12th, 27-8.

DEMOCRATS FOR: Boatwright, Dills, Garamendi, Bill Greene, Leroy Greene, Hart, Keene, Lockyer, Montoya, Petris, Robbins, Roberti, Rosenthal, Torres, Vuich, Watson.
REPUBLICANS FOR: Beverly, Campbell, Craven, Davis, Doolittle, Ellis, Johnson (Ind.), Maddy, Royce, Russell, Seymour.
DEMOCRATS AGAINST: Ayala, Foran, McCorquodale, Presley, Stiern.
REPUBLICANS AGAINST: Marks, Nielsen, Richardson.

JAIL FACILITIES

SB 2278 (Presley). Permits private firms to contract with county sheriffs to operate local detention facilities. Sponsors say the measure will reduce jail overcrowding by making available privately owned facilities. Opponents argue that such facilities would not be held accountable or liable in the event of violations of law, and there is no requirement that qualified personnel operate such facilities. Passed April 12th, 22-7.

DEMOCRATS FOR: Ayala, Boatwright, Foran, Garamendi, Bill Greene, Leroy Greene, Keene, Lockyer, Presley, Robbins, Stiern, Torres, Vuich.
REPUBLICANS FOR: Beverly, Ellis, Johnson (Ind.), Maddy, Nielsen, Richardson, Royce, Russell, Speraw.
DEMOCRATS AGAINST: Dills, Hart, McCorquodale, Petris, Roberti, Rosenthal.
REPUBLICANS AGAINST: Marks.

COMMITTEE VOTES

CIGARETTE TAX

SB 1961 (Watson). Doubles the excise tax on cigarettes to provide additional funding for various health programs. Sponsors say the bill would have provided an estimated $200 million annually to partially subsidize increased costs of the Medi-Cal program. Opponents said combined federal, state and local taxes on cigarettes already account for nearly 40 percent of the price of one pack. Senate Revenue and Taxation Committee defeated May 2nd, 2-1.

AYES: Garamendi (D), Hart (D).
NOES: Ayala (D).

MINIMUM WAGE

AB 2231 (FLOYD). Increases the minimum wage from $3.35 to $4.00 per hour. Supporters say the state's minimum wage, unchanged since 1981, has not kept pace with inflation. Employer groups argue that they cannot afford a wage increase. Assembly Ways and Means Committee defeated May 2nd, 5-14.

AYES: Agnos (D), Alatorre (D), Campbell (D), Maxine Waters (D), Vasconcellos (D).
NOES: Baker (R), Bergeson (R), Costa (D), Hannigan (D), Hill (R), Johnson (R), Katz (D), Kelley (R), Leonard (R), Mountjoy (R), Nolan (R), Robinson (D), Stirling (R), Young (D).
NOT VOTING: Bates (D), Davis (D), Elder (D), Roos (D).

BEER INSPECTIONS

AB 3019 (Floyd). Requires beer sold in California to be pasteurized unless it has been inspected by local health departments. The author is concerned that beer may not be safe to drink unless pasteurized. Opponents say the bill would only affect Coors beer, which is boycotted by organized labor. Assembly Governmental Organization Committee defeated April 11th, 4-6.

AYES: Alatorre (D), Bane (D), Floyd (D), Tanner (D).
NOES: Felando (R), Frazee (R), Hill (R), Konnyu (R), Statham (R), Tucker (D).
NOT VOTING: Condit (D), Cortese (D), Vicencia (D), Young (D).

POLLING LISTS

SB 1811 (Russell). Repeals requirement that a list of polling places and precinct officials be published in newspapers prior to each statewide election. Proponents say it costs nearly $500,000 statewide to publish data which is unusable by the general public. The California Newspaper Publishers Association, whose members receive $225,000 in advertising revenues each election year, believes the public has a right to such information. Senate Elections and Reapportionment Committee defeated April 4th, 3-4.

AYES: Ellis (R), Bill Greene (D), Royce (R).
NOES: Craven (R), Lockyer (D), Richardson (R), Robbins (D).
NOT VOTING: Boatwright (D), Garamendi (D).

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ROSTER UP-DATE

Listed below are recent changes and corrections in the **California Journal Roster** published in the February 1984 issue.

Page 3:
Myron Holburt is no longer chief engineer of the Colorado River Board of California. The position is currently vacant.

Page 5:
The official name of the California State University and Colleges has been changed to California State University.

Page 6:
Congressman Eugene Chappie's new district office address is 500 Cohasset Road, Suite #30, Chico 95926.

Page 12:
Republican Stirling replaces Bergeson on the Assembly Education Committee.

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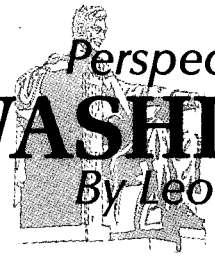

Perspective from WASHINGTON

By Leo Rennert

Feud over a river

(Leo Rennert is on vacation. This month's column was written by Carl Cannon, Washington correspondent for the San Jose Mercury-News.)

A few weeks before his recent death, naturalist and photographer Ansel Adams wrote to a friend that he was "dreadfully concerned" about the fate of the Tuolumne River, much of which is still a free-flowing stream that tumbles 83 miles from Yosemite National Park into the San Joaquin Valley. More specifically, he was concerned about Congressman Tony Coelho, the powerful Democrat from Modesto who is pushing legislation that could permit the Tuolumne to be dammed. "We can only keep our perspective and wait and see," Adams concluded.

AT THE MOMENT, THE TUOLUMNE is still in the wait-and-see stage. But Coelho, a man of high aspiration, has staked his reputation on his ability to ensure that the Turlock and Modesto Irrigation districts will be able to build dams and power facilities on the river.

Coelho faces strong opposition: both California Senators — Democrat Alan Cranston and Republican Pete Wilson — have said they want to preserve the Tuolumne. However, Coelho says he has the House votes he needs for his proposal, which, if true, gives him considerable strength for dealing with Wilson and Cranston.

The key person now is Democrat John Seiberling, chairman of the House Subcommittee on Public Lands and National Parks. He and a majority of subcommittee members probably would vote to protect the Tuolumne by giving it status as a "wild and scenic" river. And that's just what subcommittee member Richard Lehman of Fresno would like them to do. But Coelho is also a member of the group, and Sieberling is not anxious to take sides in what he sees as a local Coelho-Lehman dispute. For now, at least, Seiberling is waiting and hoping for a compromise.

Coelho has not been shy about predicting that he will win in the end. Back in California recently, sitting in a San Francisco restaurant, Coelho told William A. Newsom — according to Newsom — that there was little hope of preserving the river. Newsom, a California appellate court justice and environmental activist, was the friend to whom Ansel Adams had written before his death.

Particularly upsetting to conservationists is that the Tuolumne's fate has become the subject of a feud between Coelho and Pete Wilson. Wilson, seeking to mollify the business interests that contributed so generously to his 1982 Senate campaign, had proposed granting wilderness protection to fewer California acres than environmentalists wished. But to appease environmentalists, he also proposed granting wild river protection to the Tuolumne.

Linking those specific wilderness and river issues, which had not been done before, angered Coelho, who until then had regarded the Tuolumne as part of his turf. (The river is in Lehman's congressional district but the Modesto Irrigation district, which wants to dam it, is in Coelho territory.)

Thus, Coelho saw Wilson's move as a challenge to his considerable power. (As head of the House Democratic Campaign Committee, Coelho distributes campaign money to Democratic congressional candidates.) Privately, to reporters, he talked of "breaking in" freshman senators and let it be known that he would teach Wilson a lesson in power. Wilson, knowing of Coelho's attitude, has accepted the challenge.

This development has dismayed those trying to save the river, because it means, they fear, that the point of compromise may have been passed. They may be right. In April Coelho introduced his own version of the Tuolumne River bill, a proposal that would grant "wild and scenic" preservation to the river, but then require studies that could allow two water projects on the river — the Ponderosa Powerhouse project and Jawbone Dam. "It was a sham," says Robert Canning, a California environmentalist working to save the river. "Tony Coelho turned a public-issue debate into a personal cause," adds John Amodio, of the Tuolumne River Preservation Trust.

None of this is new for the Tuolumne. In fact, it may be the river's destiny. In 1913, after an epic political battle, Congress voted to dam the river at Hetch Hetchy on the upper Tuolumne to provide San Francisco with drinking water. Losing that fight broke John Muir's spirit — he had led the fight against it — but it spawned the Sierra Club and all that it has done through the years.

The Tuolumne already is well used. Over 90 percent of the river's water is now used for agricultural and domestic water uses. Since Hetchy Hetchy was built, the city of San Francisco has built two more dams in the high country on Tuolumne tributaries — Cherry Creek and Eleanor Creek. And Turlock and Modesto Irrigation districts built Don Pedro Dam near the central valley floor, thus creating the biggest reservoir in the state. About 72 percent of the river's potential is now harnessed for hydro-electric power.

However, the Turlock and Modesto Irrigation districts contend that more power is needed. The new water projects, they say, are an essential part of America's effort at energy self-dependency. "We're not unaware of the heavy pressures in the opposite direction. Our pitch is, 'Let us look at it and see if we can come up with something that meets power requirement and at the same time has either a benign impact on the environmental and recreational uses or is a reasonable price to pay," says Washington lobbyist Lee White.

White is one of the many advocates retained by the two irrigation districts, which have budgeted $1.4 million for legal fees, lobbying expenses and public relations fees to get their points across. "That's really peanuts compared to their budget," White says. "If they happen to be successful (in building the dam) their first year's savings to their customers would be $25 million."

ON THE OTHER SIDE are the trout fishermen, rafters, nature lovers, and Bay Area city-dwellers who have attended camps on the Tuolomne through generations. The latter include Les Francis, a White House aide in the Jimmy Carter administration, who spent time as a child at a camp on the river, to Ike Livermore, natural resources director under Governor Ronald Reagan.

But they and the others face a difficult task. "This river is a cash register in some people's eyes," explains Dick Roos-Collins, another of those trying to save it.

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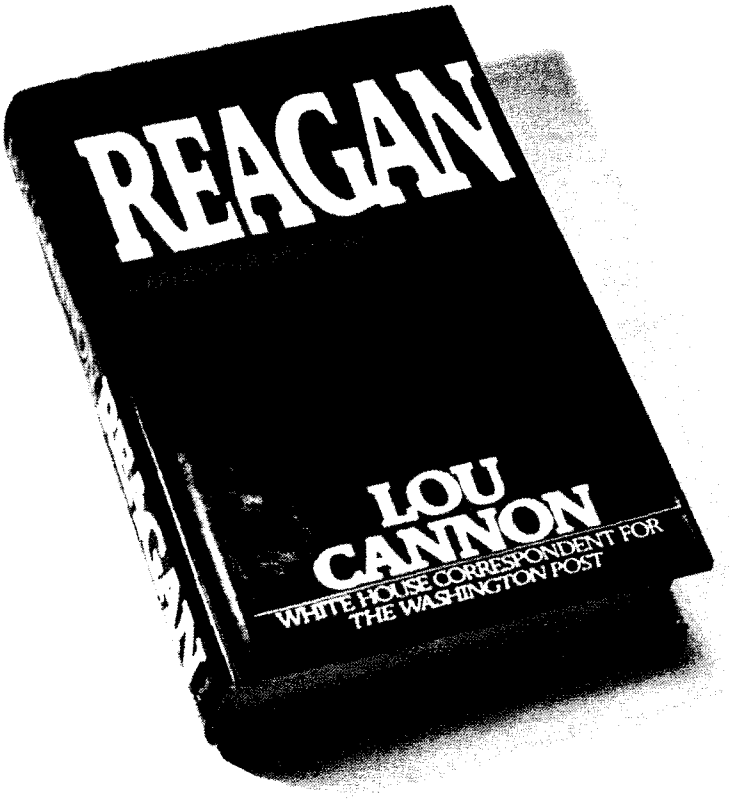

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Cannon, who is the former Washington correspondent for **California Journal**, has also authored **Reporting: An Inside View** and **Ronnie & Jesse: A Political Odyssey.**

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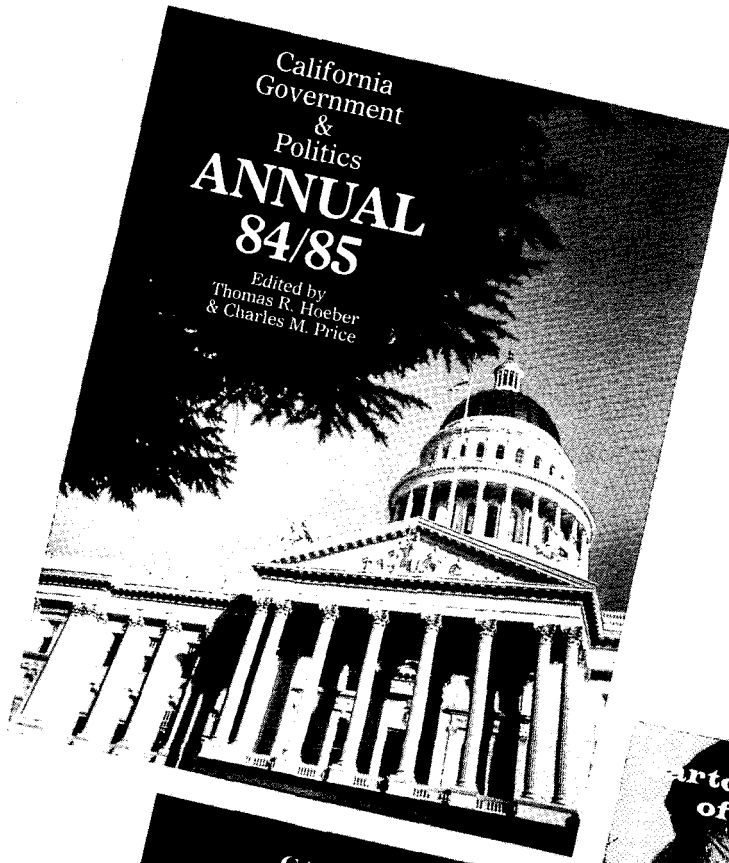

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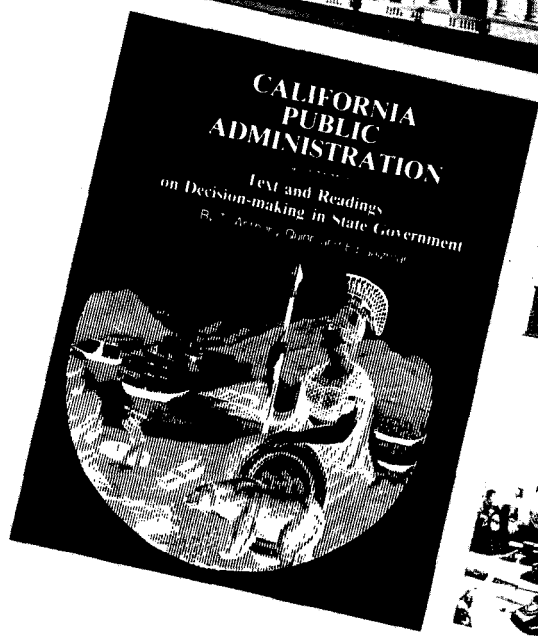

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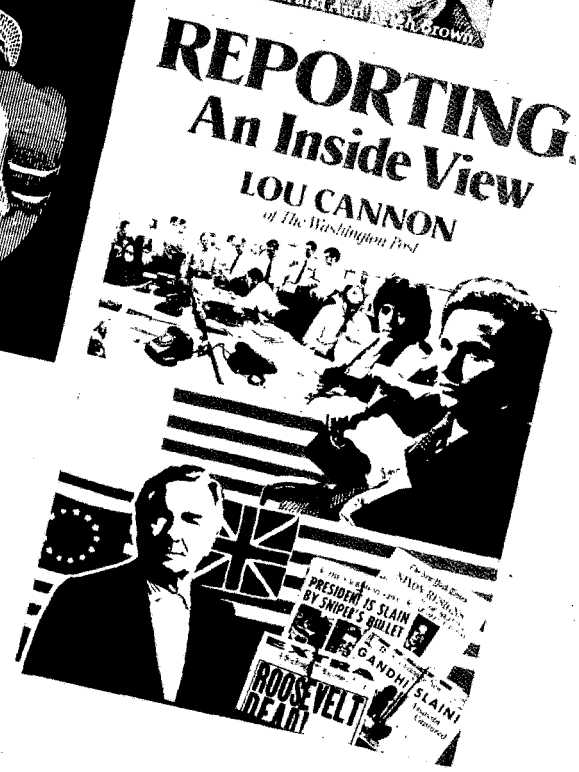

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